



**Melton  
Borough  
Council**

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# Planning Committee

17 August 2023

Report of: Assistant Director for Planning

**19/01360/FUL Development of 14 additional dwellings, part retrospective (in lieu of the previously approved retirement housing block under application 13/00522/FUL), together with the demolition and reinstatement of the existing boundary wall**

**Wyndham Development Site, Kennelmore Road, Melton Mowbray**

**Applicant: Wyndham Lodge Developments**

**Officer: Helen White**

<b>Corporate Priority:</b>	Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Melton Warwick: Councillor Alison Freer and Councillor Allen Thwaites
<b>Date of consultation with Ward Member(s):</b>	9 January 2020
<b>Exempt Information:</b>	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

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### Planning Report

19/01360/FUL Development of 14 additional dwellings, part retrospective (in lieu of the previously approved retirement housing block under application 13/00522/FUL), together with the demolition and reinstatement of the existing boundary wall  
Wyndham Deve

## What 3 Words

<https://w3w.co/closet.wake.zeal>

### RECOMMENDATION(S)

1. Approves subject to conditions set out in Section 12 of this report.
2. a completed Section 106 Agreement to secure contributions towards
  - Education £29,695.56
  - Libraries £430.00
  - Healthcare £3,073.72
  - Off-site commuted sum to Affordable Housing £51,000

## 1 Executive Summary

- 1.1 This application relates to the site of Wyndham Lodge development where there are new dwellings constructed within the curtilage of the former Ankle Hill War Memorial Hospital. The Hospital is also known as Wyndham Lodge and is a grade II listed building, part of a group of listed buildings including the Stables, Wall, Steps and Balustrade.
- 1.2 The site lies to the west of Ankle Hill and comprises the parcel of land adjacent to Ankle Hill itself and proposes a development of 14 dwellings.
- 1.3 The applicant has submitted a viability assessment, requesting the removal of any affordable housing provision on site or any off-site commuted sum. This was independently and externally assessed and is considered in detail within the body of the report below.
- 1.4 The application site forms part of a wider residential development site but is not allocated for housing within the Melton Local Plan.

## 2 Main Report

## 3 The Site

- 3.1 This proposal relates to a small area of the site where it was originally proposed to erect a large 3 storey residential care home (comprising of 38 dwellings) within the grounds of the development. Instead, it is now proposed to develop 12 dwellings within this location and 2 additional dwellings within the land to the south. Given that development for the proposed 14 dwellings has begun on site it would not be possible to implement the 3 storey residential care home without first carrying out a significant level of demolition.

## 4 Planning History

- 4.1 The site has an extensive planning history and forms part of a wider residential development. This particular site has previous consent for the erection of a care home under planning reference 18/00368/VAC, and reference 13/00522/FUL. There have been a number of alterations and amendments across the wider development and this parcel of land is the final site which is yet to be completed.

## **5 Proposal**

- 5.1 The design of the dwellings that are proposed are the same as previously approved elsewhere within the wider development site which have been built, and the remainder are under construction.
- 5.2 The application proposes the following mix – 5x 2 bed roomed bungalows, 3x 2 bed two storey properties and 6x 3 bed two storey properties.

## **6 Amendments**

- 6.1 During the course of the application, revised plans were submitted with respect to the (Grade II) listed wall which is proposed to be attached to plots 54-58 and specific detailing including the method of construction has been submitted for consideration. The Grade II Listed Wyndham Lodge, Wyndham Steps and Balustrade, and Stables Building stand further to the north east and west of the site.

## **7 Planning Policy**

### **7.1 National Policy**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
National Design Guide

### **7.2 Melton Local Plan**

Policy SS1 Presumption in Favour of Sustainable Development  
Policy SS2 Development Strategy  
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 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  
Policy EN13 Heritage Assets

### **7.3 Other**

Affordable Housing and Housing Mix SPD  
Developer Contributions SPD

## 8 Summary of Responses

### SUMMARY OF TECHNICAL CONSULTATION RESPONSES

- 8.1 Environment Agency – Offer no formal comments.
- 8.2 Historic England – Offer no formal comments request advice is sought from local level specialist advisor.
- 8.3 MBC Conservation Officer - No objection, recommends conditions.
- 8.4 Housing Policy Officer – No objection, recommends the provision of affordable housing.
- 8.5 LCC Archaeology – No objection, recommends conditions.
- 8.6 Lead Local Flood Authority – No objection, recommends conditions.
- 8.7 Severn Trent – No comments received.
- 8.8 LCC Highways – No objection, recommends conditions.
- 8.9 LCC Forestry – No objection, recommends conditions.
- 8.10 LCC Ecology – No objection, recommends conditions.
- 8.11 Design out Crime Officer –No objection.
- 8.12 LCC Developer Contributions Education - Contribution Requests to Education (Primary, Secondary, Post 16), Library Services.
- 8.13 East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) - Contribution Request to Primary Care

### SUMMARY OF REPRESENTATIONS

#### Ward Member(s)

- 8.14 No comments received.

#### Parish Council

- 8.15 Not applicable.

#### Neighbours

- 8.16 14 letters of objections have been received from local residents on the following grounds:
- Application documents not provided in detail/ full.
  - Footpath unable to be accessed within the southern border of the site.
  - Too many houses
  - Volume of traffic unacceptable
  - Demolition of a listed wall
  - Proposed dwellings in southern parkland
  - Plans do not propose to rebuild listed wall.
  - Widening of the junction of Ankle Hill and Burton Road not been honoured
  - Traffic calming measures should be provided.

- Impact upon wildlife
- Whole site has been poorly managed and taking a long time to build.
- Lack of acceptable boundary treatments and soft landscaping proposals
- Spoil view towards Wyndham Lodge across the green parkland
- Need to increase green space, not take away.
- Trees are of high quality and need retaining.
- Additional dwellings a significant increase from proposed previously.
- Density out of keeping with this part of Melton.
- Shortfall of parking
- Impact upon surface water drainage

8.17 9 letters of support have been received from local residents on the following grounds:

- Development in keeping with the area.
- Mix of housing
- Huge improvement from overgrown site
- Traffic not associated with the development.
- Quality dwellings, different to the normal new developments
- Previous care home no longer built, bungalows much improved.
- View from Ankle Hill will be much better than care home.
- Less traffic than care home
- Houses much smaller than previous and much needed.
- Site needs to be built.
- Once finished, much needed green spaces for all of Melton to use.
- Larger gardens than normal
- Double width driveways and garaging
- New trees should be planted.
- Unique site with traditional dwellings and not overdevelopment of the land
- Melton needs new development/residents to keep the town going.
- Addition of bungalows, courtyard style development, diverse mix of housing

### **RESPONSE TO CONSULTATIONS AND REPRESENTATIONS**

8.18 No concerns are raised by technical consultees in relation to the proposed development.

8.19 The application has evolved over the course of when it was originally submitted, and a number of the objections relate to land which now does not form part of this development. Notwithstanding this, the issues of highway safety, heritage, character and appearance, residential amenity, flood risk, trees and impact on ecology are considered within the following sections of the report.

## **9 Planning Analysis**

9.1 The main issues for this application are considered to be:

- Principle of development; compliance with Development Plan Policies.
- Local infrastructure provision
- Affordable Housing
- Housing Mix
- Impact upon the character of the area and heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on archaeology
- Impact on flood risk and drainage

**Position under the Development Plan Policies**

- 9.2 The site is within Melton Mowbray and Policies SS1 and SS2 of the Melton Local Plan apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and set out the strategy of delivering housing across Melton borough. Melton Mowbray is identified in the Local Plan as the priority location for growth and will accommodate approximately 65% of the Borough's housing need.
- 9.3 Policy C2 relates to Housing Mix, it seeks to ensure the delivery of a mix of house types, tenures and sizes, to balance the current housing offer, having regard to the latest evidence of housing need. There is a requirement for smaller dwellings across the Borough, which this proposal would contribute to.
- 9.4 Policy C4 seeks to secure affordable homes on development sites of 11 or more units, and/or where the floor space would exceed 1000m<sup>2</sup>. Based on the revised proposal of 14 dwellings, affordable housing provision would be required of between 5-10% (1 unit).
- 9.5 Other material considerations are the National Planning Policy Framework (NPPF), the Design SPD, Housing Mix and Affordable Housing SPD, Developer Contributions SPD.
- 9.6 The Local Planning Authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.
- 9.7 In addition, Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.

9.8 Paragraph 199 of the NPPF requires that:

When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.9 Paragraph 200 of the NPPF advises that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

9.10 Paragraph 202 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **Principle of Development**

9.11 The proposed development accords with the principles of Policies SS1 and SS2 of the Melton Local Plan. The site is in a sustainable location within Melton Mowbray and is part of a wider residential development site. The site is not allocated for housing within the Melton Local Plan, however Melton Mowbray is considered to be an acceptable location for additional residential development subject to complying with all other planning considerations set out below.

9.12 The proposal complies with Policies SS1 and SS2 of the Local Plan and the NPPF and is therefore acceptable in principle subject to further consideration of other development plan policies which is considered and assessed further in the report.

### **Local infrastructure provision**

9.13 A Section 106 Agreement is recommended to secure contributions relating towards education, sustainable travel, libraries, healthcare and affordable housing as detailed below.

- LCC Primary, Secondary and Post 16 Education - £29,695.56
- NHS, for primary care facilities in Melton - £3,073.72
- LCC Libraries - £430.00
- Affordable Housing off-site commuted sum - £51,000

9.14 The applicant has stated that 12 of the 14 dwellings are designated for the over 55's. As such, LCC Education has confirmed that these dwellings would not trigger a contribution request. Therefore, the LCC Education Contribution is calculated based on the provision of 2 dwellings (not designated for the over 55's) - £29,695.56. In order to secure the over 55 clause it is recommended to include a condition to secure those plots.

9.15 The above contribution requests have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL). This sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

- 9.16 All the above contribution requests are directly relatable and necessary to the development given the increase of residents in the area which would result in additional demand for health and education.
- 9.17 This impact would be mitigated by the provision of obligations to secure additional facilities/provision and as such the contribution requests are considered necessary and reasonable based on the existing facilities and the level of development being proposed.
- 9.18 No contribution request has been received from LCC Waste Services as it is considered that the HWRC at Melton will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.
- 9.19 Overall, the development proposed would ensure that a financial contribution is sought which would ensure that the impact of the development on local infrastructure can be mitigated in line with Policy IN3. Consideration against the Developer Contributions SPD is set out further in the report below.

### **Affordable Housing**

- 9.20 The proposal, by virtue of being for 14 dwellings would require provision of affordable housing on site for 1 unit, in line with the policy requirement of 10-15% stated in Policy C4 of the Melton Local Plan. The off-site commuted sum for one unit in this location would be £51,000 based on a 3-bed semi-detached property. The applicant has submitted a viability assessment which states that providing one affordable unit on site would make the scheme unviable. The same assessment also concludes that providing an off-site commuted sum would also result in the scheme being unviable. The applicant's viability assessment has been independently and externally assessed as part of the submission. The viability report concluded that the scheme would be unviable if the affordable housing was provided either on site, or off site via a commuted sum.
- 9.21 The external review concluded that it would be possible for the scheme to provide a policy compliant position of one affordable unit on site as a best-case scenario, as set out below.
- 9.22 The submitted appraisal demonstrated a surplus of £66,500 if no affordable housing was proposed. The appraisal was undertaken in June last year and the applicant has put an argument forward that build costs have increased significantly since the undertaking of the appraisal. It is noted the £66,500 surplus is considered to be a best-case scenario, but the margins are very tight and sensitive to a small increase in costs.
- 9.23 The applicant concludes that build costs at the national level have increased by 2.9% to November of last year since the appraisal was undertaken. The applicant therefore states that this would equate to an increase in costs of £67,400, thus removing the surplus that was identified above.
- 9.24 Plots 54-58 are sited adjacent to a listed wall which needs to be altered and incorporated into the development proposal. The applicant states that the costs should be included within the viability consideration. However, the inclusion of the costs associated with the Listed Wall within the viability assessment would not be considered reasonable, given that the wall is an existing structure that would require rebuilding regardless of this current proposal.



- 9.25 All other matters and considerations put forward by the applicant in respect of the viability assessment are considered reasonable by the external assessor and are set out here. The land value put forward is considered reasonable given that the land value is based on the extant consent for a residential care home. Gross development value is also considered reasonable based on the smaller type and style of properties being proposed. Build costs, contingency fees and professional fees are also considered reasonable given that these are based on the development of the wider residential site already being built. Whilst these costs put forward by the applicant are slightly higher (£478,969) than the benchmark figure set by the external assessor, the costs are considered acceptable given that they are based on (with evidence) the actual costs associated with the development of the existing residential development site.
- 9.26 In respect of profit margins, the applicant has undertaken the viability assessment at profit levels of 20% for the 12 over-55 dwellings and 17.5% for the remaining two dwellings. The Royal Institution of Chartered Surveyors national guidance states profit levels for developers to be between 15-20% and therefore the profit levels proposed by the applicant are at the higher end of the margin. It is considered that by reducing the profit levels to 15% this may result in a viable scheme.
- 9.27 The viability assessment indicated a surplus of £66,500, work has continued on site reducing the associated risks of the development. No evidence has been provided to demonstrate that the actual costs experienced on site have increased and limited weight has been given to the national rises identified to by the applicant given that the development has been underway for a considerable length of time. Although the concerns raised by the developer regarding viability have been recognised, on balance it is considered that insufficient site specific evidence has been provided to adequately demonstrate that increased build costs and falling sales values (set out above), have removed the identified surplus rendering the scheme unviable if affordable housing provision was being provided on site or by off-site commuted sum. In this case an off-site commuted sum is the preferred option as it is unlikely that a registered housing provider would take on the management of a single dwelling within the site.
- 9.28 In terms of the policy position, Policy C4 states that the Council will look at affordable housing provision whilst “having regard to market conditions, housing needs, housing mix (in regard to tenure, type and size), economic viability and other infrastructure requirements”. It is considered that the viability appraisal and its independent review provides a sound basis on which this figure is derived and as such it can be viewed acceptable. The applicant will have the opportunity to come back with further evidence at a later date if they wish to further challenge the development’s viability. If at that stage, it is found to be unviable it is intended that a late-stage claw back mechanism would be introduced to allow viability to be further assessed.
- 9.29 Based on the above and the recognition in Policy C4 that viability must be taken into account in considering affordable housing, it is considered that the development has demonstrated compatibility with this policy.

### **Developer Contributions SPD**

- 9.30 The Developer Contributions SPD states that
- ‘Some developments may not be able to make contributions towards all of the infrastructure that is required but may remain desirable for other reasons. Where such viability constraints

exist contributions may be prioritised as demonstrated in Table 1 below. The requirement to make contributions must also comply with the CIL Regulations. Therefore, as established within Policy IN3, it is important to set out the Council's priorities.'

9.31 The applicant is proposing contributions to LCC Education, NHS Health Care, and LCC Libraries. A request for off-site affordable housing has been agreed to. The Design of Development SPD states that

- LCC Education is a priority 1.
- Affordable Housing is a priority 2a.
- NHS is a priority 2b.
- Libraries is a priority 3.

9.32 The contributions to Education, Affordable Housing, the NHS and libraries is being secured by Section 106 agreement.

9.33 NHS contribution is proposed at £3,073.72 and a contribution to Libraries is proposed at £430.00.

9.34 Overall, it is considered that the proposal would comply with Policies C4 and IN3 of the Melton Local Plan.

### Housing Mix

9.35 Housing mix is proposed as 8 x 2beds and 6 x 3beds. Policy C2 details an Optimum Housing Mix for the borough which is set out in Table 8 below.

	1-bed*	2-bed	3-bed	4+ bed
<b>Market dwellings</b>	5%	30%	45-50%	15-20%

9.36 The scheme as proposed provides the following.

	1-bed*	2-bed	3-bed	4+ bed
<b>Market dwellings</b>	0%	57%	43%	0%

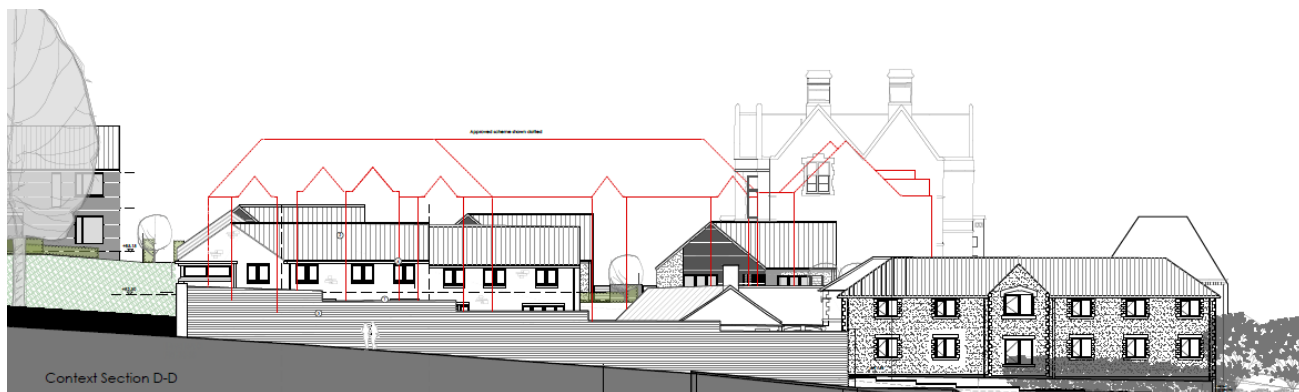
9.37 The application proposes a significant proportion of two bedroomed properties which would considerably support the Borough wide need for smaller dwellings. The number of three bedroomed properties would be broadly in line with the optimum proportion of accommodation as set out in table 8. As there are no 4 bedroomed properties, and a significant proportion of 2 bedroomed properties, the mix is not in line with optimum mix however there is a Borough wide need for smaller properties. In addition, there is provision of 4 bedroomed properties within the wider residential development site.

9.38 In addition, 5 of the two bedroomed dwellings are proposed as bungalows which is a material planning consideration in this proposal. Policy C2 of the Melton Local Plan states that residential development which include bungalows will be particularly supported.

9.39 Overall, the proposed housing mix is considered to be acceptable. Even though no 4 bedroomed properties are proposed, the high number of 2 bedroomed properties is considered suitable in this instance, given the mix overall would meet an identified housing need in this location. In addition, the 12 dwellings proposed as being for over 55s would meet a need for housing for older people.

## **Impact upon the character of the area and heritage assets**

- 9.40 The proposed development comprises the erection of 14 dwellings.
- 9.41 Two dwellings are proposed in the southern part of the site, adjacent to Kennelmore Road which serves the wider development site. These two dwellings are sited opposite already approved dwellings and are on land adjacent to Ankle Hill. The design and appearance of the dwellings are the same as already approved within the wider and site and immediately adjacent to the west in terms of fenestration detailing, header and cill treatments and materials being proposed.
- 9.42 The introduction of the two dwellings in this location is not considered to alter the open green character within the southern part of the site and the layout would retain a strong, verdant and open natured development when viewed from Ankle Hill. Trees are retained along the boundary of the site with Ankle Hill to soften their appearance. Two of the 14 dwellings (Plots 61 and 62 shown on the plan below) are turned so that one provides a key focal point to the entrance of the development and the other turns in line with the bend of Kennelmore Road, ensuring an attractive street frontage is retained.
- 9.43 The remainder of the dwellings are proposed in the location of the previously approved and residential care home which could in theory still be implemented and built. This part of the development is accessed from the northern half of the site and is sited between The Stables and The Lodge (both Grade II Listed buildings). Plots 47-51 are all bungalows, which being sited adjacent to the Grade II Listed Wyndham Lodge is considered suitable, to ensure that the setting of the Lodge is preserved as the main focal point of the development site.
- 9.44 These dwellings are well designed and include detailing (such as fenestration, headers and cills) and with appropriate materials for their location, all aspects of which match that already approved elsewhere on the site.
- 9.45 The dwellings in this location are proposed in a courtyard layout which reflects that of the adjacent Grade II Listed stables building. The overall layout and design of the bungalows are considered to be acceptable, and a significant level of open space and soft landscaping is also proposed within this area.
- 9.46 Plots 52-58 are a mews style, courtyard development consisting of two storey properties, sitting between the Stables building and the open green to the south. Again, the design of this part of the development is very highly detailed and akin to that which has already been approved, resembling and responding to the character of the sites location adjacent to the Grade II Listed Stables building.
- 9.47 Levels rise to the south however it is proposed to dig down these dwellings so that their prominence when viewed from Ankle Hill is reduced. Boundary treatments are again proposed to ensure a degree of openness across the site, as well as a significant level of soft landscaping throughout. The final details of levels, landscaping, materials and boundary treatments are recommended to be secured by condition.
- 9.48 Members should note that this area of the site has extant permission for a large 38 dwelling residential care home (planning reference number 13/00522/FUL), and it is considered that this proposed scheme is a significant betterment when considering the adjacent heritage assets. A draft plan is provided below showing the extant scheme (in red) and the scheme proposed here. However, it would not be possible to implement the extant scheme until or unless the development currently being undertaken on the site has been demolished.



- 9.49 When considering heritage assets, an assessment of the impact upon the heritage assets needs to be identified, followed by weighing up the public benefits of the scheme and whether this would outweigh the harm identified.
- 9.50 Paragraph 199 of the NPPF identifies three levels of harm to the significance of designated heritage assets, substantial harm, total loss, or less than substantial harm. A very high bar is set for development to result in substantial harm, it would need to include an almost total loss of significance.
- 9.51 In comparison to the site's original state as open ground it is acknowledged that the development would result in a degree of harm, in terms of an effect on the settings of the adjacent designated heritage assets which share a group value. However, due to the proposed layout, design and scale of development proposed, the harm is considered to be less than substantial harm. As stated above this harm still requires to be weighed against the public benefits in line with Paragraph 202 of the NPPF.
- 9.52 The proposal involves works to re-build, repair and incorporate the Grade II Listed wall within the scheme, thus preserving and retaining the longevity of this important feature. The wall was damaged during the development of the site and some of its historic fabric was lost as stone was re-purposed within the repair and reconstruction of the Grade II Listed Lodge and Stables. Specific construction details have been provided as part of the submission for this element which would be acceptable and are supported by the Borough's Conservation Officer. It is also noted that no objection has been raised by Historic England.
- 9.53 Overall, it is considered that the degree of "less than substantial harm" (NPPF Paragraph 202) identified would be outweighed by the public benefits of providing a scheme that would provide a suitable housing mix including provision of 5 bungalows, a development consistent with the spatial strategy, support for the maintenance and enhancement of local services, contribute to the choice of a range of housing sites in sustainable locations in the Borough and preservation and retention of a Grade II Listed wall.
- 9.54 In light of the above matters, whilst the duty to safeguard heritage assets requires that great weight should be given to the asset's conservation, it can be concluded that there would be less than substantial harm in this instance and the benefits of bringing forward a site for residential development, would outweigh this identified harm to the associated heritage assets.
- 9.55 The overall layout, appearance, scale and design of the development proposed would also be acceptable when considering the characteristics of the wider development being constructed and the scheme would be a betterment to the existing extant residential care

home as it provides better indivisibility between the designated heritage assets which have a group value.

- 9.56 The proposal is therefore considered to be acceptable on the grounds of impacts upon the character of the area and associated heritage impacts in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan.

#### **Impact upon residential amenities**

- 9.57 The scheme is located within a wider residential development site on Ankle Hill. The layout of the proposed development would ensure that there would be no adverse overlooking or overbearing impacts to occupiers of the adjacent properties within the development site itself. The neighbouring properties in the Stables development or those opposite on Ankle Hill again would not be adversely impacted by way of overlooking or loss of light given the separation distances, level differences and relationship between the properties.
- 9.58 In terms of the future occupiers of the proposed development, their residential amenities again would be considered acceptable, and no concern is raised in this respect.
- 9.59 Noise and disturbance from the construction has been raised as a concern by local residents which is noted. Given the close proximity of the site to these properties on Ankle Hill, a condition recommending restriction of working hours is proposed.
- 9.60 Overall, no concerns are raised with respect to residential amenity. Proposal is acceptable/in conflict with Policy D1 of the Melton Local Plan.

#### **Impact upon highways and parking**

- 9.61 The site would be accessed off the existing Kennelmore Road which is accessed from Ankle Hill. Both access points are existing as part of the wider development site and of a suitable width and design to accommodate the proposed additional 12 and 2 dwellings respectively. Sufficient parking is provided for each property, 2 spaces except for the two bedroomed Mews properties which have 1 space (3 dwellings), which is acceptable given the sites within Melton Mowbray and within walking distance of public transport options.
- 9.62 Leicestershire Highways Authority (LHA) are satisfied with the proposal and consider that the trip generation associated with the scheme compared to the extant permission would not lead to an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. The LHA are also satisfied with the level of parking being provided and the internal layout.
- 9.63 As such, the development is not considered to result in severe highway safety impacts in accordance with Policy D1 and IN2 of the Melton Local Plan.
- 9.64 In line with Policy EN8, electric vehicle charging points are to be provided for each dwelling to be secured by condition 15.

#### **Impact upon ecology**

- 9.65 As the proposals are varying the form of the previously permitted development, with very little additional 'ground take', there is no concern raised with respect to biodiversity. The original mitigation work proposed within the original application (habitat retention/creation within the open space to the north of the development) is not being altered by this proposal.
- 9.66 Part of the mitigation measures were the incorporation of bat boxes. As such it is recommended that appropriate bat boxes are provided as part of this development, which

is to be secured by condition. No other concerns are raised with respect to biodiversity as a result of the sites location within a wider development site with mitigation measures already in place, a position agreed by Leicestershire County Council Ecology department.

9.67 Therefore, the proposal is considered acceptable in line with Policy EN2 of the Melton Local Plan.

#### **Impact upon archaeology**

9.68 A wider set of archaeological work and recording was undertaken as part of the previous application for the wider development site.

9.69 The County Archaeologist has recommended the same condition for this development. Given the sites siting between the Wyndham Lodge and Wyndham Stables, it is reasonable to recommend a condition in line with Policy EN13 of the Melton Local Plan.

#### **Impact upon flood risk and drainage**

9.70 The site is within Flood Zone 1 and no concerns are raised with respect to the development exacerbating flooding in the vicinity. A drainage strategy has been submitted in support of the application which ties the development proposed into the wider residential site. The strategy put forward, along with other parts of the wider site, is to discharge into the River Eye (EA Main River) located to the north of the site via permeable paving, sediment catch pits and attenuation pond. The discharge rate agreed with the EA for the wider development into the River Eye is 72 l/s. and is accepted by the Lead Local Flood Authority. The proposed strategy is recommended to be secured and implemented by condition.

## **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 Contributions to local infrastructure have been agreed and secured.

10.3 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.

10.4 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. Sufficient off street parking provision to serve the proposed development has also been demonstrated.

## **11 Reason for Recommendations**

11.1 The application site is located within an established residential area, forms part of a wider residential development site, near the town centre, and in a highly sustainable location.

11.2 Policy SS2 sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy and Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. Development will be expected to contribute positively to the provision of key infrastructure, including traffic relief within the town, to support its growing population and economy.

11.3 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.

- 11.4 Affordable housing provision remains one of the Council's key priorities. This element has been externally and independently assessed and based on the evidence provided to date, on a best-case scenario, it would be possible to provide an off-site commuted sum towards the provision of a 3-bed affordable home. However, it is accepted that the margins are tight and would be sensitive to small increases in costs. The concerns relating to the viability of the scheme raised by the applicant are also acknowledged. Nonetheless the scheme proposed would be a significant betterment to the previously approved residential care home (in terms of design, appearance to the street scene). The mix of housing across the site is also considered to be acceptable, being for 8 x 2beds (including 5 bungalows) and 6 x 3beds.
- 11.5 Contributions towards local infrastructure are also to be secured by Section 106 to ensure that the local infrastructure can mitigate the impact of the development. A reduced contribution to education has been requested based on 12 of the 14 dwellings being proposed for over 55s.
- 11.6 The development is considered to not result in a significant impact upon highway safety and a safe and suitable access is achieved to the site with sufficient off-street parking provision.
- 11.7 The application site includes the Grade II listed Wall and sits within the setting of the Grade II Listed Wyndham Lodge, Stables, Steps and Balustrade. The scheme includes the re-building of the Wall following its substantial demolition. Although the proposal would result in 'less than substantial harm' to the setting of the Grade II Listed features, this harm is outweighed by the public benefits of providing dwellings on a site within Melton Mowbray and the overall design being a significant improvement on the previously approved residential home. In carrying out that balance, the Council has had regard to the great weight that should be given to the conservation of heritage assets (NPPF, section 16), and having regard to the statutory duties set out in section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

## 12 Planning Conditions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 12.2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

8008-03-012 HT12 Ground floor plot 52,53,54,55,56,57,58

8008-03-013 HT12 First floor plot 52,53,54,55,56,57,58

Received by the Local Planning Authority on 16 December 2019

8008-03-018 HT-13 plots 61,62

Received by the Local Planning Authority on 28 January 2020

8008-03-014A HT-12 Sections Mews plot 52,53,54,55,56,57,58

Received by the Local Planning Authority on 16 March 2020

600223-HEX-00-XX-RP-C-9201-V01

DRAINAGE STRATEGY STATEMENT

600223-HEX-SI-XX-DR-D-9200 P01

DRAINAGE STRATEGY LAYOUT

Received by the Local Planning Authority on 20 May 2022

8008-04-16 HT-11 Working drawings - plots 61-62

8008-04-14A HT-014 Bungalow elevs 49,50,51

8008-03-022B Listed Wall Details

8008-03-023 Listed Site Plans

8008-03-003M Site PR

8008-04-009A HT-10 Ground plan - plots 47 and 48.

8008-04-011 HT-10 Elevations - plots 47 and 48

8008-04-013A HT-14 Bungalow plans - plots 49, 50 and 51

8008-04-015 Working drawings - plots 61 and 62.

Received by the Local Planning Authority on 27 March 2023

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan.

- 12.3 Within 6 weeks of the date of this permission details of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2, EN13 and D1 of the Melton Local Plan.

- 12.4 Within 6 weeks of the date of this permission details of the design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale of the proposed windows and doors shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with those approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2, EN13 and D1 of the Melton Local Plan.

- 12.5 There shall be no occupation of the sixth dwelling authorised to be constructed pursuant to the planning permission unless and until the alteration works to the listed wall have been completed in accordance with approved drawing 8008-03-022B received by the Local Planning Authority on 27 March 2023. The listed wall shall be retained in perpetuity for the lifetime of the development.

Reason: To ensure that the works preserve the special architectural and historic interest of the building in accordance with Policy EN13 of the Melton Local Plan.

- 12.6 Within 6 weeks of the date of this permission detail of the existing and proposed ground levels of the site and proposed finished floor levels shall be submitted to and agreed in



writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan.

Within 3 months of the date of this permission a scheme of hard and soft landscaping works, including boundary treatments, shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be carried out and completed in full no later than w during the first planting season (October-March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years from the date of planting, any tree, or shrub planted as part of the landscaping scheme is damaged, removed, dies or becomes seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted in the same place during the next planting season following its removal.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1, EN2 and D1 of the Melton Local Plan.

- 12.7 Within 6 weeks of the date of this planning permission a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include details of all tree and hedge protection and outline how root protection, changes in levels, installation of services, material storage have been given due consideration. The location of protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design shall also be provided as part of the submitted details.

Where any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 5cm or more shall be left un-severed. Within the fenced-off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand.

The protective fencing shall be erected in accordance with the approved Tree Protection Plan within one month of its approval. The protection fencing shall remain in situ for the whole of the construction period and the development shall be carried out in accordance with the approved details.

Reason: To ensure that all the retained trees are protected from the adverse effects of development and to ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance Policies SS1, EN2 and D1 of the Melton Local Plan.

- 12.8 Within 3 months of the date of this planning permission a plan detailing the type and location of three integrated bat boxes shall be submitted to and approved in writing by the local planning authority. Thereafter these shall be included and retained within the development in perpetuity.

Reason: To ensure satisfactory mitigation for wildlife species and their habitats that are known to exist on site to accord with Policy EN2 of the Melton Local Plan.

- 12.9 Within three months of the date of this permission a staged programme of archaeological work, commencing with an initial phase of trial trenching shall be undertaken. Each stage

will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works and the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN13 of the Melton Local Plan.

12.10 Within three months of the date of this planning permission details in relation to:

- surface water drainage scheme
  - the management of surface water on site during construction of the development
  - the long-term maintenance of the surface water drainage system within the development
- shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed, completed and maintained in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site during construction and to ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase, in accordance with Policies EN11 and EN12 of the Melton Local Plan.

12.11 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with approved drawing 8008-03-003M. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: 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 Policies D1 and IN2 of the Melton Local Plan.

12.12 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 Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

12.13 Construction work, demolition work and deliveries associated with the construction work for the development shall only take place between the following hours:

07:00 - 19:00 Monday to Friday

08:00 - 13:00 Saturdays

No works to be undertaken on Sundays or bank holidays.

Any deviation from this requirement shall be with the prior written approval of the Local Planning Authority.

Reason: In the interests of protecting the residential amenity of neighbouring occupiers in accordance with Policy D1 Melton Local Plan.

- 12.14 Prior to the first occupation of each dwelling, an electric vehicle charging point shall be provided for each dwelling in accordance with details to be provided as part of the layout of the site. The approved charging points shall be provided prior to the first occupation of the dwelling to which they relate and shall be maintained as such for the life of the development.

Reason: To promote the use of sustainable modes of transport in accordance with Policies EN8 and EN9 of the Melton Local Plan.

- 12.15 The occupation of 12 of the 14 dwellings hereby permitted being those dwellings labelled plots 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58 on approved drawing number 8008-03-003E shall be limited to a person or persons over the age of 55 or a person or persons living as part of a single household with such a person or persons.

Reason: To ensure the required level of infrastructure contributions to education services have been calculated appropriately, in line with Policy IN3 of the Melton Local Plan.

### **13 Financial Implications**

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

**Financial Implications reviewed by: N/A**

### **14 Legal and Governance Implications**

- 14.1 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

- 14.2 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 13/00522/FUL - Conversion of buildings to provide 20 dwellings, erection of 40 new dwelling houses, erection of block of retirement housing (38 dwellings, Class C3), associated accesses and parking areas, demolition of Warwick Cottage and 22-24 Ankle Hill and construction of balancing ponds – Permitted 26.01.2015.

- 15.2 18/00368/VAC - Removal of condition 2 (plans), condition 3 (materials), condition 6 (Windows), condition 9 (schedule of work), condition 15 (Tree Survey), condition 21 (drainage), condition 22 (bats), condition 28 (construction traffic/site traffic management plan), condition 29 (Routing of construction Traffic), condition 33 (Garage doors), condition

35 (Drainage) and condition 36 (Construction Method Statement). Variation of condition 10 (Landscape Scheme), condition 11 (Landscape Scheme), condition 12 (Means of maintenance), condition 17 (All weather surface to public footpath), condition 18 (Archaeology) and condition 23 (Highways) of planning application 13/00522/FUL. – Permitted 28.06.2018

<b>Report Author:</b>	<b>Helen White</b> , Planning Officer
<b>Report Author Contact Details:</b>	01664 502419 helenwhite@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Sarah Legge</b> , Assistant Director for Planning
<b>Chief Officer Contact Details:</b>	07771733262 slegge@melton.gov.uk