

Planning Committee

14 May 2024

Report of: Assistant Director for Planning

Reference Number: 22/01373/OUT

Proposal: Outline permission sought for a detached dwelling with associated vehicular access (Detailed approval sought for means of access to the site; all other matters reserved for subsequent approval)

Site: Land Between 9 And 15 Navigation Close, Melton Mowbray

Applicant: Mr David Knight

Planning Officer: Mark Ketley

Report Author:	Mark Ketley , Planning Officer
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Chief Officer Responsible:	Sarah Legge , Assistant Director of Planning
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Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Sarah Cox (Melton Dorian) Councillor Pat Cumbers (Melton Dorian) Councillor Marilyn Gordon (Melton Dorian)
Date of consultation with Ward Member(s):	16 February 2023
Exempt Information:	No

Reason for Committee Determination:

Letters of objection have been received from more than 10no. households contrary to the Officer recommendation.

Web Link: [Melton Borough Council Planning Online](https://www.melton.gov.uk/planning)

What 3 words: <https://w3w.co/mouth.friend.wooden>

Site Location Plan



RECOMMENDATION

It is recommended that the application is **APPROVED** subject to:

1. Conditions detailed in Section 10 of this Report

1 Executive Summary

- 1.1 Outline planning permission (all matters reserved for future approval with the exception of access) is being sought in this case for the construction of a detached dwelling, indicatively shown as a two-bed bungalow, on an area of incidental green space within a relatively modern housing estate that is positioned between existing residential properties.
- 1.2 The application site forms part of the Melton Mowbray Main Urban Area and is within an established residential area. Consequently, the site is a wholly sustainable and appropriate location for new residential development. In addition, development of the site would make a contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period with Table 5 of the Local Plan demonstrating the need to find at least 200 dwellings (equating to 10 dwellings per annum) from housing windfall sites such as this. The proposal is therefore acceptable as a matter of principle in accordance with the provisions of the NPPF and the spatial objectives set out in Policies SS1 and SS2 of the Local Plan.
- 1.3 The proposal would make a contribution towards the delivery of smaller accessible housing, particularly bungalow provision, aligning with the objectives of Local Plan Policy C2.
- 1.4 Based on the indicative information submitted with the application it has been satisfactorily demonstrated that the site could be developed in the form being suggested without resulting in a sense of overdevelopment, without adversely impacting on the visual amenity of the area within which the site is located, and without negatively impacting on neighbouring residential amenity to an extent that would justify refusing planning consent. This being the case it is considered that the proposal satisfies the objectives of Policy D1 of the Local Plan so far as can be assessed at the outline application stage with the detailed design of the scheme and its resultant impacts ultimately being in the control of the Local Planning Authority at reserved matters stage.
- 1.5 The proposed development would have a neutral impact on the setting of the adjacent Scheduled Monument and, as such, it would accord with the Ancient Monuments and Archaeological Areas Act 1979 (as amended), the NPPF and Local Plan Policy EN13.
- 1.6 The proposal would not give rise to any issues of highway safety and adequate car parking is capable of being provided in accordance with Policy IN2 of the Local Plan.

Main Report

2 The Site

- 2.1 The application relates to an area of incidental green space within a relatively modern housing estate that is positioned between existing residential properties.
- 2.2 The land measures approximately 0.05ha in area and is currently grassed over with a few small trees and a low timber post and rail barrier approximately 0.5m in height that separates it from the adjacent public footpath.
- 2.3 Immediately to the south of the site is a terrace of five properties with the northern-most dwelling in the terrace (No 9 Navigation Close) presenting a blank gable elevation towards the site. To the east is a pair of semi-detached dwellings (No's 11 & 15 Navigation Close) that face towards the application site which are separated from it by a private footpath.
- 2.4 Beyond the housing estate to the immediate north of the site is a petrol station and its associated parking area that is accessed from Leicester Road whilst to the west is an area of mature trees and bushes with a children's play area that is accessed from Vulcan Close.

The area to the west of the site also includes land designated as a Scheduled Monument which is known as the “The Mount Motte at Melton” comprising of a medieval fortification.

- 2.5 The northern and western boundaries of the application site feature mature tree planting that afford extensive screening from these adjacent land uses.

3 Planning History

- 3.1 There is no relevant planning history relating to the application site since construction of the housing estate on which the site is located.

4 Proposal

- 4.1 Outline planning permission is being sought in this case for the construction of a detached dwelling on the application site with associated vehicular access.
- 4.2 Matters relating to the layout, scale, appearance and landscaping of the proposed development are reserved for future approval but details of the means of access to the site are to be considered in detail at this stage.
- 4.3 An indicative site layout plan has been submitted with the application that demonstrates how the application site could be developed with a single detached dwelling. This shows a rectangular shaped two-bed detached bungalow that would be positioned adjacent to the gable elevation of the neighbouring property to the south, No 9 Navigation Close, which would have its entrance and principal windows facing away from the surrounding properties. The east facing elevation would present itself towards the entrance to the site and the adjacent semi-detached dwellings at No’s 11 and 15 Navigation Close but the actual entrance to the property is indicated as being on the north elevation.
- 4.4 Garden areas are shown indicatively as being located to the north, east and west sides of the proposed dwelling with a rear garden area being provided in the western part of the site. Two parking spaces are shown as being provided on a driveway that would be accessed off the internal estate road.

5 Amendments

- 5.1 There have been no amendments to the proposal during the course of the application.

6 Planning Policy

6.1 National Policy

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

6.2 Heritage Legislation (Scheduled Monuments)

- The legal framework for the protection of Scheduled Monuments is set out in the Ancient Monuments and Archaeological Areas Act 1979 (as amended)
- Paragraph 203 of the latest version of the NPPF published in December 2023 is also a material consideration in this case and in relation to matters of heritage interest this states that, in determining applications for planning permission and listed building consent, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets [which includes Scheduled Monuments] 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.
- Paragraph 205 of the Framework further 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 would amount to substantial harm, total loss or less than substantial harm to its significance.
 - Paragraph 206 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.

6.3 **Melton Local Plan**

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the purpose of determining this application.
- The relevant policies to this application include:
 - Policy SS1 Presumption in Favour of Sustainable Development
 - Policy SS2 Development Strategy
 - Policy C2 Housing Mix
 - Policy EN13 Heritage Assets
 - Policy IN2 Transport, Accessibility and Parking
 - Policy D1 Raising the Standard of Design

6.4 **Neighbourhood Plan**

- There is no made Neighbourhood Plan in this location.

6.5 **Other**

- Design of Development Supplementary Planning Document (adopted February 2022)

7 **Consultation Responses**

- 7.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

7.2 LCC Highways

7.3 No Objection - The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

SUMMARY OF REPRESENTATIONS

7.4 Ward Member(s)

No comments received

7.5 Neighbours

16no. letters of objection have been received from 12no. separate households raising issues that can be summarised as follows:

- Overdevelopment of the site;
- No need for a bungalow on this site;
- Impact on amenity of neighbouring residential properties;
- Loss of visitor parking spaces;
- Loss of public open space;
- Impact on wildlife habitat;
- Impact on the adjacent Scheduled Ancient Monument; and
- Disruption to neighbouring residents during the construction phase.

7.6 Response to Consultations and Representations

7.7 The majority of the issues raised are material planning considerations and are addressed under Section 8 'Planning Analysis' below.

7.8 With regards to the potential for the proposed development of the site to cause disruption to neighbouring residents during the construction phase it is acknowledged that this is a legitimate concern raised by those living immediately adjacent to and near to the site. A condition is therefore recommended in Section 10 below requiring the submission and approval of a construction management plan, including as a minimum details of the routing of construction traffic and the storage of plant and materials, prior to any works commencing on-site. Subject to this condition and the subsequent implementation of the agreed details it is considered that development of the site could take place without giving rise to any undue noise or other associated disturbance for the neighbouring occupiers.

8 Planning Analysis

8.1 The main considerations in determining this application are as follows:

- Principle of Development
- Housing Mix
- Design & Impact on the Character of the Area
- Impact on Amenity
- Impact on the Scheduled Monument

- Highway Matters

8.2 **Principle of Development**

8.3 In line with the objectives of current national planning policy, Policy SS1 of the Local Plan makes clear that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF which was most recently updated in December 2023.

8.4 Local Plan Policy SS2 establishes the overarching development strategy for the Borough for the period up to and including 2036 and this states that the Melton Mowbray Main Urban Area is the priority location for growth with the expectation being that it will accommodate approximately 65% of the identified housing need over the Plan period. The policy goes on to state that the role and sustainability of Melton Mowbray will be significantly enhanced through the delivery of at least 3,980 homes over the Plan period on allocated and other sustainable sites.

8.5 The application site forms part of the Melton Mowbray Main Urban Area and is within an established residential area being part of a relatively modern housing estate. Consequently, the site is a wholly sustainable and appropriate location for new residential development. In addition, development of the site would make a contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period with Table 5 of the Local Plan demonstrating the need to find at least 200 dwellings (equating to 10 dwellings per annum) from housing windfall sites such as this. The proposal is therefore acceptable as a matter of principle in accordance with the provisions of the NPPF and the spatial objectives set out in Policies SS1 and SS2 of the Local Plan.

8.6 **Housing Mix**

8.7 Policy C2 of the Local Plan makes clear that the Local Planning Authority will seek to manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer with particular support being given to the provision of retirement homes and wheelchair accessible dwellings. The proposed scheme would result in the delivery of a two-bed property for which Table 8 of the Local Plan identifies there is a need to provide 30-35% of within all housing delivery over the Plan period with smaller homes such as this being suitable particularly for residents needing to downsize and those requiring more accessible forms of housing. It is therefore considered that the proposal would make a contribution towards the delivery of smaller accessible housing, particularly bungalow provision, therefore aligning with the objectives of Local Plan Policy C2.

8.8 **Design & Impact on the Character of the Area**

8.9 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, siting and layout must be sympathetic to the character of the area. It also requires buildings and development to respect the local vernacular without stifling innovative design.

8.10 The application seeks outline permission only therefore all design aspects relating to the layout, scale, appearance and landscaping of the proposed development are reserved for future consideration. However, as explained in Section 4 above, an indicative site layout plan has been submitted with the application to demonstrate how the site could be developed with a single detached dwelling with this showing a rectangular shaped two-bed bungalow being positioned adjacent to the gable elevation of No 9 Navigation Close.

- 8.11 Whilst the application site is relatively small at 0.05ha in area it is considered that the indicative layout plan submitted satisfactorily demonstrates that a modest bungalow of the scale being proposed could be accommodated on the site along with sufficient areas of amenity/garden space and car parking facilities that would be commensurate with the size of dwelling being proposed. The scale of property as a bungalow would naturally sit lower than the two storey dwellings that neighbour the site to the south and east but this is considered to be an acceptable arrangement from a streetscene perspective given that the site is located in the corner of the housing estate which is a position that lends itself to a smaller and more visually discreet property that would nestle sensitively on the site.
- 8.12 It is considered that the site could be developed in the form being suggested without resulting in a sense of overdevelopment and without adversely impacting on the visual amenity of the area within which the site is located. This being the case it is considered that the proposal satisfies the objectives of Policy D1 of the Local Plan so far as can be assessed at the outline application stage with the detailed design of the scheme ultimately being in the control of the Local Planning Authority at reserved matters stage.
- 8.13 **Impact on Amenity**
- 8.14 Objections have been raised by a number of neighbouring properties in relation to the potential impacts on their residential amenity by virtue of loss of light, overlooking and loss of privacy. As explained above the layout, scale and appearance of the dwelling being proposed would need to be assessed in detail at the future reserved matters stage.
- 8.15 However, it is considered that a new dwelling in the form being proposed could be accommodated on the site as demonstrated by the indicative site layout plan submitted with the application. Indeed, this plan shows that a two-bed bungalow could be developed on the site that would be orientated in such a way, and with acceptable separation distances in place between properties, that would ensure any adverse impacts on neighbouring residential amenity would be limited and not to an extent that would justify refusal of the application. On balance therefore, and so far as can be assessed at the outline stage, it is considered that a detached bungalow could be developed on the site that would satisfy the requirements of Local Plan Policy D1 in respect of amenity impacts.
- 8.16 **Impact on the Scheduled Monument**
- 8.17 The area to the west of the site includes land designated as a Scheduled Monument which is known as the “The Mount Motte at Melton” comprising of a medieval fortification introduced into Britain by the Normans. The motte castle is an unusual feature in the Leicestershire landscape with this site being one of only six known sites in the County.
- 8.18 Whilst clearly of substantial heritage significance it is the case that the proposed development would have no direct impact on the Scheduled Monument. In addition, although located adjacent to the designated area it is considered that the proposal would not affect the setting of the Scheduled Monument given that the site is extensively screened by mature trees and vegetation around its northern and western boundaries and so is not viewed in the same context as the designated heritage asset.
- 8.19 Other developments in the vicinity including residential development on Valiant Way and Vulcan Close, and the Aldi supermarket and petrol filling station sites on Leicester Road to the north, surround the Scheduled Monument. These are far more impactful on its setting than the proposed development would be, especially given the extent of natural screening on the edges of the site and the fact that the proposed bungalow would be sited discreetly within the existing housing estate and therefore rarely, if ever, seen in the same context.

8.20 It is therefore considered that the proposed development would have a neutral impact on the setting of the adjacent Scheduled Monument and, as such, it would accord with the Ancient Monuments and Archaeological Areas Act 1979 (as amended), the NPPF and Policy EN13 of the Local Plan in this respect.

8.21 **Highway Matters**

8.22 Access to the proposed development would be taken from the existing internal estate road which the Local Highway Authority have confirmed is an acceptable arrangement that would not give rise to any issues of highway or pedestrian safety. In addition, the indicative site layout plan submitted with the application demonstrates that two car parking spaces are capable of being provided within the site which is an acceptable level of parking provision for the size of property being proposed. The proposal is therefore considered to be acceptable in highway terms in accordance with Policy IN2 of the Local Plan.

8.23 **Other Issues**

8.24 A number of objections submitted in relation to the application have raised an issue that the proposed development would result in the loss of an important area of public open space. However, the land is not allocated in the Local Plan as public open space and, moreover, by virtue of the timber post and rail barrier that surrounds the site it is not actually accessible to the public or intended for recreational use. Rather, the land is an area of incidental green space that was incorporated into the layout of the housing estate to provide soft landscaping and visual amenity benefits.

8.25 Whilst the loss of the visual contribution that the currently landscaped site makes to the surrounding streetscape would be regrettable, on balance it is considered that this loss would not result in a level of visual harm sufficient to justify withholding outline planning approval. The proposal would also result in no loss of identified useable public open space as has been suggested in the representations submitted in response to the application and so is considered to be acceptable in these respects.

9 **Conclusion & Reason for Recommendation**

9.1 The application site forms part of the Melton Mowbray Main Urban Area and is within an established residential area being part of a relatively modern housing estate. Consequently, the site is a wholly sustainable and appropriate location for new residential development. In addition, development of the site would make a contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period with Table 5 of the Local Plan demonstrating the need to find at least 200 dwellings (equating to 10 dwellings per annum) from housing windfall sites such as this. The proposal is therefore acceptable as a matter of principle in accordance with the provisions of the NPPF and the spatial objectives set out in Policies SS1 and SS2 of the Local Plan.

9.2 The proposal would make a contribution towards the delivery of smaller accessible housing, particularly bungalow provision, aligning with the objectives of Local Plan Policy C2.

9.3 Based on the indicative information submitted with the application it has been satisfactorily demonstrated that the site could be developed in the form being suggested without resulting in a sense of overdevelopment, without adversely impacting on the visual amenity of the area within which the site is located, and without negatively impacting on neighbouring residential amenity to an extent that would justify refusing planning consent. This being the case it is considered that the proposal satisfies the objectives of Policy D1 of the Local Plan so far as can be assessed at the outline application stage with the detailed design of the

scheme and its resultant impacts ultimately being in the control of the Local Planning Authority at reserved matters stage.

9.4 The proposed development would have a neutral impact on the setting of the adjacent Scheduled Monument and, as such, it would accord with the Ancient Monuments and Archaeological Areas Act 1979 (as amended), the NPPF and Local Plan Policy EN13.

9.5 The proposal would not give rise to any issues of highway safety and adequate car parking is capable of being provided in accordance with Policy IN2 of the Local Plan.

10 Planning Conditions

10.1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended)

10.2 Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

10.3 This permission relates to the approved Site Location Plan received at these offices on 3rd January 2023.

Reason: For the avoidance of doubt and to ensure an acceptable form of development in terms of amenity impacts in accordance with Policy D1 of the Melton Local Plan.

10.4 The details of the reserved matters submitted pursuant to this permission shall be carried out in broad accordance with the following plans and documents:

Dwg No 642/001 - Outline Scheme for Detached Bungalow - received 03.01.23

Dwg No 642/002 - Location & Block Plan - received 03.01.23

Reason: For the avoidance of doubt and to ensure an acceptable form of development in terms of amenity impacts in accordance with Policy D1 of the Melton Local Plan.

10.5 No development shall commence until such time as the existing and proposed ground levels within the site and proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The approved 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 in accordance with Policy D1 of the Melton Local Plan.

10.6 The development hereby approved shall not be occupied until such time as parking facilities have been implemented in accordance with the approved reserved matters.

Reason: In the interests of highway safety in accordance with Policy IN2 of the Melton Local Plan.

- 10.7 No development shall commence until such time as a construction management plan, including as a minimum details of the routing of construction traffic and the storage of plant and materials has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that construction traffic does not use unsatisfactory routes to the development site and create issues on the highway, including the deposit of deleterious materials and on-street parking problems, in accordance with Policy IN2 of the Melton Local Plan.

- 10.8 Prior to the commencement of the development full details of the tree protection measures for all trees and hedges within and adjacent to the development site shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas including any bespoke engineering to reduce the impact to those affected trees. The Statement shall be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012. All tree protection measures shall thereafter be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area in accordance with Policy D1 of the Melton Local Plan.

- 10.9 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water in accordance with Policy EN11 of the Melton Local Plan.

11 Informatives

- 11.1 The Applicant is advised that it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore the Applicant should take every effort to prevent this occurring.

- 11.2 The Applicant is advised that it is an offence under Section 184 of the Highways Act 1980 to drive a vehicle across the kerb and footway in order to gain access to a property unless a properly constructed dropped kerb crossover is in place. The Applicant should be mindful that if the planning application is successful, for a vehicular access to be created within the public highway, separate approval must be obtained from the Local Highway Authority. Further information can be found using the Leicestershire County Council Vehicle Access (Dropped Kerbs) Information Pack (available at <https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/6/21/VA1-Information-Pack-June19.pdf>). Whilst planning permission may be granted, the application for a licence may be refused if it does not fulfil the criteria.

12 Financial Implications

- 12.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

13.1 Legal implications are set out in the report where relevant and legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

14.1 The planning history is contained within Section 3 of the report and the details of which are available to view online.