

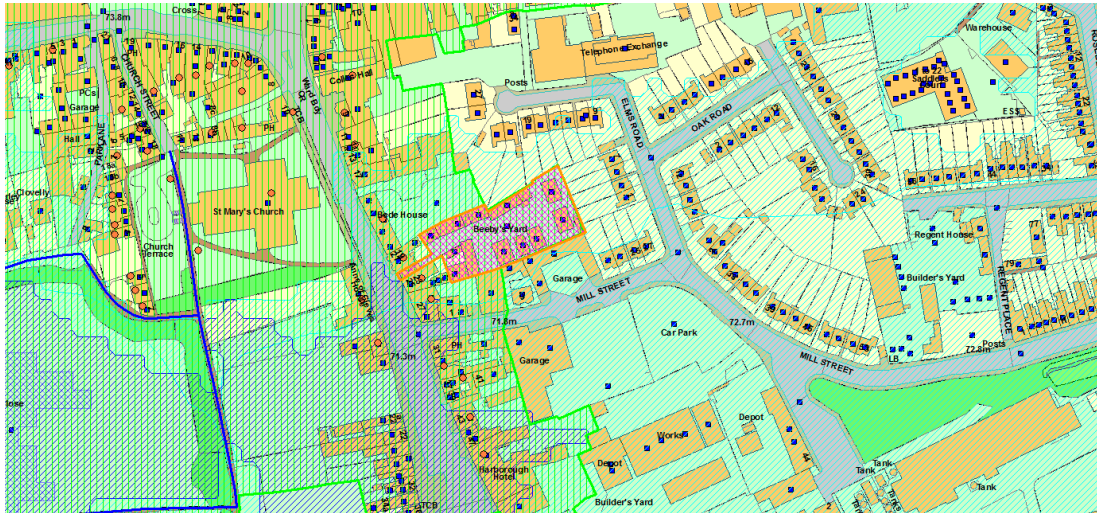
Reference: 08/00326/FUL

Date submitted: 04.04.2008

Applicant: Mr G Dawkins

Location: Beeby's Yard, Burton Street, Melton Mowbray

Proposal: Conversion of existing buildings to form 7 one and two bed terraced houses and erection 4 two bedroom terraced dwellings.



Proposal:-

This application seeks **Full planning permission for the conversion of the existing buildings to form 7 one and two bed terraced houses and erection of 4 x two bedroom terraced dwellings, forming a total of 11 dwellings.**

Beeby's Yard is accessed off Burton Street, Melton Mowbray between Units 21 and 23. The range of brick built buildings vary in age, the oldest probably pre-dating 1839 with others being added between 1904 and 1930. There are no Listed Buildings on the site and the properties comprise of a single storey building and detached lean-to on the south-West corner and a range of 2-storey buildings along the Northern side boundary common with the Bede Houses. They are typically brick wall constructions, supporting timber first floors and timber roofs clad with fibre cement sheets or clay pantiles.

The site lies within Melton Mowbray Conservation area close to the heart of the historic town. The site is accessed through an existing opening between two listed buildings within the street frontage. The site is surrounded by residential properties to the north and east, and a mixture of commercial and retail untie to the south and west.

The site is considered to be a brownfield site with a presumption in favour of development, with Melton Town Centre being considered a sustainable location for new housing development.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area including Conservation Area**
- **Impact upon residential amenities**
- **Traffic and access issues**

The application is required to be presented to the Committee due to the number of representations received.

History:-

08/00327/CON – Demolition of redundant prefabricated industrial building – granted Conservation Area Consent

06/00965/FUL – Erection of 11 dwellings – Refused

06/00966/CON – Demolition of existing buildings - Refused

06/00264/FUL - Demolition of existing buildings and erection of 11 dwellings - Withdrawn.

06/00265/CON – Demolition of buildings for redevelopment – Withdrawn

96/00787/FUL – Retention of workshop for joinery - Permitted

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 - States that planning permission will only be granted for development within the village envelopes where:-

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- Satisfactory access and parking can be made available.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

Conserving and enhancing the historic environment

- Look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.
- Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: Request further information.</p> <p><u>Background</u></p> <p>The County Highway Authority (CHA) understands that the Applicant is seeking full planning permission for the conversion of the</p>	<p>The submitted information demonstrates that whilst not ideal, satisfactory access and visibility splays to and from the site.</p>

<p>existing buildings to form 7 one and two bed terraced houses and erection 4 two bedroom terraced dwellings.</p> <p>The proposed development is off a busy town centre street and the access to the site is bound by shops on both sides so there is limited visibility for vehicles exiting the site. There is a set of traffic lights with crossing facilities immediately next to the site which means there is a high volume of pedestrians in the vicinity of the proposed development and passing the site.</p> <p>Whilst the CHA would not usually encourage use of such a substandard access for new dwellings the circumstances around each planning application needs to be taken into account.</p> <p>The Application was first submitted in 2008 and the CHA originally advised the Applicant that based on the proposed use i.e. dwellings the CHA did not consider it any worse than the current commercial / business use for the site. Following some revisions to the off-street car parking the CHA advised the Local Planning Authority in 2008 that it would not seek to resist the Application.</p> <p>The highway advice at that time still stands due to the planning permission currently in place and on that basis it is the CHA view that the proposals are, on balance, considered acceptable from a highway point of view should the Local Planning Authority be minded to approve this application.</p> <p><u>Conditions</u></p> <p>1 The proposed car parking arrangements and turning facilities shown in Francis Keyworth Architects Drawing Ref: 1869-101 Rev A (or any further revisions as required) shall be provided, hard surfaced and made available for use before any dwelling hereby permitted is first occupied. The parking spaces provided shall be marked out and thereafter shall permanently remain available for car parking.</p> <p>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.</p> <p>2 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as not to open outwards.</p> <p>Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and</p>	<p>Given the planning history to the site and the acceptance of the access and visibility, it is considered that the proposal does conform to the requisite guidance in this instance.</p> <p>The traffic capacity impact of the proposed dwellings is not considered to be significant.</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p>
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<p>protect the free and safe passage of traffic, including pedestrians, in the public highway.</p> <p>3 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.</p> <p>Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.</p> <p>4 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities, deliveries to the site and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.</p>	
<p>Severn Trent</p> <p>Severn Trent Water Ltd has NO objection to the proposal subject to the inclusion of the following condition</p> <p><i>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 by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</i></p> <p>To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p>	<p>These comments are noted and the proposed condition would be added to any permission granted.</p>
<p>Environment Agency</p> <p>We have reviewed our planning consultation workload to ensure that our time and expertise is focused on those locations and developments that present the following:</p> <ul style="list-style-type: none"> • a high risk to the environment • those that are able to offer significant environmental benefit. <p>We have reviewed the above application and feel</p>	<p>These comments are noted, the LLFA have been consulted as per the statutory requirements, their comments are noted later in the report.</p>

<p>that, as presented, the development is in Flood Zone 2, it does not fall under either of the above categories, and therefore we do not wish to comment further on these proposals as our standing advice applies.</p> <p>As you may be aware, from 15 April 2015 the Lead Local Flood Authorities (LLFA) became a statutory consultee, when considering planning applications for major developments. Therefore Melton Borough Council should consult Leicestershire County Council in their role as LLFA on the management of surface water.</p> <p>If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.</p>	
<p>Lead Local Flood Authority</p> <p>The application has been revised a number of times and additional information sought and received following initial ground for refusal, the latest comments are as follows</p> <p>Leicestershire County Council as Lead Local Flood Authority advises the Local Planning Authority that:</p> <p>The proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority if the following planning conditions are attached to any permission granted</p> <p>Surface Water condition</p> <p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.</p> <p>To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p> <p>Construction Surface Water Management Plan</p> <p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by, the local planning authority.</p> <p>Go prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water</p>	<p>Initial comments from the LLFA requested refusal of the proposal as the application did not contain sufficient information regarding the proposed drainage system. There was no information on the proposed discharge rate, no information on the volume of storage to be provided within the proposed permeable paving systems. The LLFA could not make a determination on if the development was appropriate from a surface water management perspective for a full planning application due to lack of information submitted.</p> <p>The LLFA requested that the application provide information regarding the proposed drainage design and discharge rate, including a greenfield run-off calculation to demonstrate that the discharge rate is as close as reasonably practical to the greenfield run off rate. An assessment of the existing pipe network to ensure that any losses, restrictions or storage are accounted for within the calculation. Calculation regarding the storage requirements to ensure the proposed surface water system can meet the requirements of the Non Statutory Technical Standards.</p> <p>This information was gained from the applicants and assessed by the LLFA, following their assessment they raise no objection to the proposal subject to the conditions opposite, those conditions will allow for the following;</p> <p>The submitted Surface Water Scheme would include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality.</p>

<p>management systems through the entire development construction phase.</p> <p>SuDS Maintenance Plan and Schedule</p> <p>No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority.</p> <p>To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.</p> <p>Infiltration Testing</p> <p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.</p> <p>To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>	<p>Details submitted would demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion and would include temporary attenuation, additional treatment, controls maintenance and protection.</p> <p>Details of the SuDS Maintenance Plan would include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and would also include procedures that must be implemented in the event of pollution incidents within the development site.</p> <p>The infiltration testing would conform to BRE Digest 365 where trial pits are allowed to drain three items and the calculation of soil infiltration rates is taken from the time taken for the water level to fall from 75% to 25% effective storage depth. The LLFA have however proposed to accept an alternative drainage strategy that could be used should infiltration results support an alternative approach.</p> <p>There are considered to be no grounds to resist permission based on flooding issues.</p>
<p>Ecology</p> <p>The Bat Activity Survey submitted in support of the application (Pear Tree Ecology, 2017) is satisfactory. A low level of bat use was recorded on site, but no evidence of bat roosts were found. The recommendations of the report indicate that a bat worker should be present during the initial clearance to recommendation, but there is no need for it to be a planning condition.</p> <p>It is recommended that the applicant considers erecting bat boxes into a development to provide a biodiversity enhancement.</p>	<p>A condition requesting the number and location of bat boxes to be submitted to the Local Planning Authority for consideration prior to development would be added to any permission granted.</p>
<p>Conservation Officer comments</p> <p>The proposal for conversion of existing buildings to form 7 one and two bed terraced houses and erection 4 two bedroom terraced dwellings is a development from previous applications on the same site; 06/00966/CON, which was refused consent, sought to demolish the existing buildings to be replaced with 11 new dwellings.</p> <p>At that time the complete range of heritage experts were consulted and the following historical narrative concerning the application site was determined:</p>	<p>These comments are noted and supported, conditions suggested would be added to any permission granted.</p>

- The buildings within Beeby's Yard are a mix of date, style and quality – some of which retain the original features and fenestration pattern from their original use as stabling for hunting horses, thereby providing a tangible link to Melton's celebrated history of hunting and the aristocracy.
- The rear wall of building's 1 and 2 form the garden boundary wall to the adjacent Grade II* Bede Houses and therefore comprise an essential element to the listed building's setting.
- Many of the buildings contribute significantly to the character and appearance of the Melton Mowbray Conservation Area. As undesignated heritage assets, Para 135 of the NPPF states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- A number of original features are retained inside a number of properties including brick sett flooring and a queen post truss roof structure

Any approval for conversion of these buildings and adjacent new build properties must take into consideration Para 135 of the NPPF concerning non-designated heritage assets.

Melton Borough Council does not benefit from a Local List, however if this was the case there is a strong possibility of these buildings forming part of a locally designated list of heritage assets, including strong archaeological association with regards to its use as a hunting stables.

Therefore it is recommended that the following factors are taken into consideration when formally appraising the application:

1. Fenestration arrangements in the conversion, while unable to be conditioned to remain single glazed or in specific materials, should not be altered from the original pattern to ensure the rhythm is not disrupted.
2. If possible, the queen post truss roof

<p>structure should be retained at all costs – if this is not possible then it should be recorded for archive purposes.</p> <ol style="list-style-type: none"> 3. The rear wall of the building which comprises the garden wall of the Bede Houses should not be altered in any way – this would result in negative impact on the setting of a Grade II* building. 4. The new build arrangement should be carried out in reclaimed materials to match the aesthetic of the existing C18 and C19 buildings and maintain the character of the conservation area 	
<p>Developer Contribution requirements</p> <p>Civic Amenity</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton and residents of the proposed development are likely to use this site. The Civic Amenity Site 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.</p> <p>Education</p> <p>Primary School</p> <p>The site falls within the catchment area of Brownlow Primary School. The school has a net capacity of 623 and 623 pupils are projected on the roll should this development proceed; a deficit/surplus of 0 pupil places. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area to be discounted.</p> <p>There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 74 pupil places.</p> <p>An education contribution will therefore not be requested for this sector.</p> <p>Secondary School</p> <p>The nearest school to the site is Melton Vale Post 16 Centre. The Centre has a net capacity of 640 and 445 pupils are projected on roll should this development proceed; a surplus of 195 pupil places after taking into account the 1 pupil generated by this development.</p> <p>There are currently no pupil places in this sector being funded from S106 agreements for other developments in this area to be discounted.</p>	<p>Comments noted, the developer contributions were requested in 2016, therefore due to the time that has past since this request, updated comments have been requested from the County Council, any amendment to these claims will be presented verbally at the committee.</p>

<p>An education contribution will therefore not be requested for this sector.</p> <p>Library</p> <p>The proposed development would not have any adverse impact on current stock provision at the nearest library which is Melton Mowbray.</p> <p>There is no claim required for library services.</p>	
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Representations:

Site notices were posted and neighbouring properties consulted. As a result **7 letters of objection have been received** from 6 separate households, the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Impact upon the Character of the Area and Conservation Area</p> <p>Conservation Area change in the existing buildings, parking of cars, dustbin removable i.e. 11 bins park outside on Burton Street.</p> <p>What was the result last time Councillors/officers visited it is understood the buildings was in poor shape then and not kept in good repair.</p> <p>The proposed buildings for conversion are of historical importance to the landscape and make up part of the beauty of Melton; along with other listed buildings in the immediate area such as the Anne of Cleves Pub.</p> <p>It is important to preserve historical buildings and would spoil the landscape for the residents.</p>	<p>The is located within one of the most historically rich areas of the town centre, opposite the Grade I listed church and adjacent Grade II listed Bede houses and behind the grand Georgian façade of Burton Street. The buildings along burton Street are identified in the various listing descriptions as having group valued and it is clear that the context of Beeby’s Yard is one of a very important historic environment, with outstanding buildings of a range of dates and styles.</p> <p>The proposed development would respect the character of the historical area and through condition would further enhance the sensitive area, the buildings whilst in a poor condition are worthy of their retention and therefore development of these buildings would enhance the surrounding area.</p>
<p>Impact on residential amenity</p> <p>The proposal would be intrusive and disruptive to residents and their properties on Elms Road, particularly those with adjacent gardens.</p> <p>The development would be visually intrusive to the surrounding neighbours and may also result in a loss of privacy.</p> <p>The proposal will spoil the landscape for the surrounding residents.</p> <p>This would make existing properties lose privacy and therefore lower house prices.</p> <p>If the proposed planning application goes ahead privacy will be lost along with the evening sun the</p>	<p>It is noted that there would be some disruption to residents during construction, however upon completion the disruption would be similar to that of the surrounding residential use.</p> <p>The proposal would re-use existing buildings and openings, therefore there would be a neutral impact from the use of existing buildings as residential. The new build part of the proposal would be of a traditional style, windows from this part of the proposal would overlook private amenity space for that proposal and whilst some overlooking would take place from the development, it is not sever and is typical of a development in this style that is found in other areas of the borough.</p>

<p>back garden gets and the peace and quiet.</p> <p>Privacy and security will be lost.</p> <p>I have security from the fact that the gates are locked at night.</p> <p>The plans appear to be the same as the 2008 plans therefore my comments from that time remain the same.</p>	<p>House prices are not a material planning consideration.</p> <p>Security has been considered as part of the proposal, once the dwellings are occupied it would provide a natural surveillance of its surroundings which is not currently achieved.</p> <p>The application design has not changed since its submission in 2008, the application has differed in terms of technical information requested and submitted to overcome statutory consultee objection.</p>
<p>Existing Businesses</p> <p>The small business will they be relocated or fold</p>	<p>There are a small number of businesses still remaining on the site, should permission be granted for the development, the businesses would have to relocate. The LPA would be happy to discuss relocation options with the existing occupants should permission be granted.</p>
<p>Highways</p> <p>Entrance roof height is not suitable for heavy vehicles etc. exiting the yard.</p> <p>Vision impaired on the right (bay window)</p> <p>The access serves a limited amount of existing businesses and the scale of development will represent an intensification of use.</p> <p>The access is substandard for this amount of development proposed in terms of width, lack of passing place, forward visibility, pedestrian visibility and access for emergency service and delivery vehicles.</p> <p>The yard does not have the same amount of traffic as it did when the application was first submitted with the new traffic lights there will be issues with vehicles as they come in and out of the yard.</p>	<p>It is acknowledged that the site access is not ideal, however the Local Highway Authority have not raised any objection to the proposal, previous refusals on the site did not ref to a highway issue.</p>
<p>Other matters raised</p> <p>Suitable access to be provided for maintenance of neighbouring buildings – gutters and roof.</p> <p>The adjacent building have no PDC and ground levels are currently set to avoid any problems. It is requested that the details of ground levels of any new work be conditioned to avoid any further damp problems and to discharge rainwater away from neighbouring properties.</p> <p>The applicants Design and Access Statement,</p>	<p>It is noted that the application site abuts surrounding development, the proposal includes an ownership certificate to state that the development will be on land the applicant owns, therefore issues of access would be a civil matter between parties.</p> <p>There is a different in levels and surrounding drainage issues, however further drainage information is requested as per the section of the LLFA, further details with regards to floor levels would also be requested via condition as</p>

<p>dated 2 April 2008, the floor levels of the properties will be set 300mm above the existing ground levels (Environment Agency requirement) and this may cause problems with level changes around the adjacent properties.</p> <p>Indicative landscape proposals show tree planting in close proximity to neighbouring buildings, where none currently exist. It is requested that this is omitted to avoid any future issues with root damage in the existing properties.</p> <p>Concern is raised regarding the asbestos buildings as these take up most of the yard and need to be removed correctly.</p> <p>Also the roof of one of the brick buildings is also asbestos therefore will need to be removed correctly.</p> <p>The brick buildings are in a very poor state of repair and may not be able to be converted without them falling down.</p>	<p>part of any permission granted.</p> <p>Landscaping is to be provided on the site to ensure both for the developments assimilation to its surroundings and for the introduction of natural screening and privacy both to and from the development, details of landscaping would be secured by way of condition with information presented to the local planning authority for their consideration, should permission be granted, at that time the details of positioning and the potential encroachment would be considered.</p> <p>In terms of asbestos removal, should this be found on site, separate legislation would require its safe removal and disposal.</p> <p>The buildings are currently in a poor state of repair, however are considered structurally sound, should this alter during conversion, alternative permission would be required to be sought.</p>
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Housing type</p>	<p>Housing Mix:</p> <p>The proposal contains predominantly 2 bed dwellings of a cottage design.</p> <p>These are considered to reflect identified needs.</p>
<p>Previous refusals on the site</p> <p>There are several previous refusals for development on this site, the most recent being 06/00965/FUL which was refused for three reasons</p> <p>In the opinion of the local planning authority the demolition of the existing buildings will result in the loss of a traditional former hunting yard which makes a positive contribution to the character and appearance of the Conservation Area. Their loss would be to the detriment of the character and appearance of the area and would adversely affect the setting of the adjacent listed buildings. It is not considered that sufficient justification has been submitted to warrant that loss in terms of the requirements of PPG15. The proposal is therefore contrary to PPG15 (planning and the historic environment) and policy BE2 of the adopted Melton Local Plan.</p>	<p>Since this refusal amendments have been made to the proposal which include the inclusion of original buildings as opposed to demolition, however it should be noted that permission was granted in 2008 for the demolition of redundant prefabricated industrial building under permission 08/00327/CON.</p> <p>The design of the proposal has changed so that it relates better to the historical built fabric of its surroundings, it has also removed windows that would potentially overlook neighbouring dwellings, it is therefore considered that the previous three reasons for refusal of application 06/00965/FUL have been overcome by this proposal.</p>

<p>In the opinion of the local planning authority the design of the proposed dwellings which are to replace the demolished buildings are not considered satisfactory for the redevelopment of the site. The proposal is therefore considered to be contrary to Policy BE2 of the adopted Melton Local Plan which seeks to ensure that development is of a high standard of design and would preserve or enhance the traditional character of the area.</p> <p>In the opinion of the Local Planning Authority the proposal would, if approved, result in a form of development that would adversely affect the occupants of neighbouring properties on Elms Road by reason of loss of privacy and overlooking. The proposal is therefore considered to be contrary to Policy OS1 and BE1 of the adopted Melton Local Plan which seeks to resist developments which would adversely affect the residential amenities of the occupants of neighbouring properties.</p>	
<p>Sequential Test for flooding</p> <p>The site essentially lies within flood zone 2 (Land having between a 1 in 100 and 1 in 1000 annual probability of river flooding) according to the Environment Agency’s indicative flood map for planning.</p> <p>The access drive may connect onto land that lies in flood zone 3 (Land having a 1 in 100 or greater annual probability of river flooding).</p> <p>The proposed development is classed as a ‘more vulnerable’ development in accordance with Table 2 Flood Risk Vulnerability Classification of the National Planning Policy Framework (NPPF). A precautionary approach will be taken, assuming to site just touches flood zone 3, therefore a sequential test and exception test are required in accordance with Table 3 Flood Risk Vulnerability and flood zone ‘Compatibility’ of the NPPF.</p> <p>Possible alternative sites have been limited to Melton Mowbray. Alternatives have been screened from Melton Borough Council’s SHLAA (updated 2015), online estate agencies and google maps. Any sites with area greater than 1ha were automatically rejected.</p> <p>Flood risk at the alternative sites was assessed using the Environment Agency’s flood map.</p> <p>A total of 17 sites were presented within the submitted Sequential Test whereby all were discounted due to either viability or existing constraints.</p>	<p>The applicant has submitted a robust and comprehensive sequential test which has been reviewed by both the local planning authority and the relevant statutory consultees.</p> <p>It is concluded through the evidence provided that there are no sequentially preferable sites available in lower flood risk areas without constraints that meet the aim of the project.</p> <p>The proposal meets the 16 sustainability benefits which outweigh flood risk as informed by the Strategic Flood Risk Assessment and therefore fulfils the two conditions required to pass the exception test.</p>

<p>The proposed development is entirely contingent upon the use of land already in the ownership of the developer. The applicant has stated that the project would no longer be financially viable when transaction costs are taken into account for the sale of the currently owned site and purchase of an alternative.</p> <p>The applicant has summarised that given the site-specific nature of the proposal, there are no sequentially preferable sites in lower flood risk areas.</p>	
<p>Planning Policy</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal does conform to policy OS1 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth</p> <p>The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council can demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location. A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that ‘a supply of 5 years (or more) should not be regarded as maximum.’ Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors...”</p> <p>Paragraph 17 of the NPPF sets out the Core Planning Principles of which set out the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.</p>

	<p>One of these principles relate to development on brownfield land, this encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value, this is echoed in Paragraph 111 of the NPPF.</p> <p>The site is a brownfield site which does have a presumption in favour of development and also lies within the town centre of Melton Mowbray which offers a full range of services.</p> <p>However the harm attributed by the development are required to be considered against the benefits of allowing the development in this location. The provision of housing on a brownfield site with the house types that meet the identified housing needs is considered to offer some benefit, along with the promoting housing growth.</p> <p>The proposal would provide market housing in the Borough and would contribute to land supply albeit a small number. There would be some impact upon the appearance of the area and technical matters which require mitigation. The form of development is considered be acceptable and the benefits of the proposal outweigh these concerns. It is therefore considered to be in accordance with the core planning principles of the NPPF.</p>
<p>The (new) Melton Local Plan – submission version.</p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan states in Policy SS1 that Melton Mowbray Urban Area is the priority location for growth and will accommodate 65% of the Borough’s housing need.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> • Examination for its ‘soundness’ under the NPPF • Examination results to be published and any ‘modifications’ to be the subject of consultation • Further examination to take place into Modifications • Final Inspectors Report and recommendations • Adoption by MBC <p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that vey many relevant objections remain unresolved</p>

<p>Melton town centre has the essential services and facilities such that it is capable of serving day to day needs of the residents.</p> <p>Strategic issue 7 of the pre-submission version of the Local Plan relates to safeguarding valued heritage and local landscapes and states that “The amount and quality of the Borough’s historic buildings and landscapes are highly valued and a key selling point for the Borough in marketing itself as an attractive place to live, visit or set up a business. Any new development will need to reflect and be sympathetic to that in its siting, design and layout.</p> <p>The proposal is located in a sensitive historic area where there are a number of listed buildings and conservation area surrounding the site. The proposal utilises traditional buildings on the site and as per the comments of the Conservation Officer will include details to ensure that the design and the materials used will conserve and enhance those of its surroundings.</p> <p>Policy SS3 allows for unallocated sites outside of those sites allocated through the local plan, planning permission will be granted for small scale developments providing but not restricted to</p> <p>The development respects ecological, heritage and biodiversity features and provides mitigation to prevent any potential harm;</p> <p>The development does not increase the risk of flooding, in accordance with Policy EN11.</p> <p>Policy EN13 identifies that Melton Borough has a number of important historic assets. These include Listed Building, Conservation Areas, Scheduled Monuments (SMs) and non-designated heritage assets (ranging from nationally to locally important heritage features.) The Borough of Melton contains heritage assets that are at risk through neglect, decay or other threats. These will be conserved, protected and where possible enhanced.</p> <p>The council will take a positive approach to the conservation of heritage assets and the wider historic environment through but not restricted to:</p> <ul style="list-style-type: none"> • Seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting. 	<p>Whilst it is the Council’s view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. As with the NP above, this will be the subject of consideration by the Examination process.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add limited weight in support of the proposal.</p>
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<ul style="list-style-type: none"> ● Seeking new developments to make a positive contribution to the character and distinctiveness of the local area. ● Ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate; ● Seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage assets and its conservation. 	
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Conclusion

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The Borough is not deficient in terms of housing land supply. The methodology used to demonstrate that there is a 5year supply has included sustainable sites, which have been scrutinised as part of the evidence supporting the new local plan.

The application site does form a sustainable site and performs well in the provision of and distance to services required for day to day living.

Housing provision remains of the Council’s key priorities. This application presents a limited number of smaller housing that helps to meet identified local needs. Accordingly, the application represents a vehicle for the delivery of housing of the appropriate quantity, in proportion with the development and of a type to support the housing need.

The site is a brownfield site, having previously been used for commercial businesses and the majority of the site having been vacant for some time. The redevelopment would facilitate the retention and restoration of an important heritage asset, in respect to which the NPPF advises ‘great weight’ should be attributed.

It is considered that there are material considerations **of significant weight in favour** of the application, and it’s previously use land class adds additional support.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the access to the site.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and the smaller units on a Brownfield site. The balancing issues – vehicular access to the site– are considered to be of limited harm.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

Recommendation: PERMIT, subject to:-

(a) The following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
3. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
4. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. 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 by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. The proposed car parking arrangements and turning facilities shown in Francis Keyworth Architects Drawing Ref: 1869-101 Rev A (or any further revisions as required) shall be provided, hard surfaced and made available for use before any dwelling hereby permitted is first occupied. The parking spaces provided shall be marked out and thereafter shall permanently remain available for car parking.
7. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as not to open outwards.
8. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.
9. No development shall take place on site until details of existing and finished site levels and the floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with such agreed details and thereafter retained in the agreed form, and there shall be no changes to the agreed levels in the future.
10. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities, deliveries to the site and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
12. The proposed development shall be carried out strictly in accordance with plan drawing numbers

1869-100
1869-101 Rev A
1869-103

received by the Authority on 04.04.2008

13. Details of the means of maintenance of all parts of the site not falling within the residential curtilage of any of the dwellings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The arrangements shall be implemented prior to the occupation of any of the dwellings and shall be adhered to thereafter on a permanent basis.
14. No development shall start on site until a detailed survey of possible contaminants affecting the site has been submitted to and approved in writing to the Local Planning Authority. The survey shall be carried out by a specialist and include any necessary remedial works to deal with hazards identified. Any contaminants present considered to be or likely to be a "significant risk" to proposed users of the site and create a "pollution linkage" shall be removed to a suitable disposal site and any material brought onto the site shall be from sources which would not contain any contaminants.
15. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include
 - i) The tenureship of the affordable housing,
 - ii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing, and
 - iii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
16. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.
17. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by, the local planning authority.
18. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority.
19. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.
20. No development shall commence on the site until details of the proposed type and location of bat boxes has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
21. No development shall commence on the site until details of the final fenestration arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
22. No development shall commence on the site until details of the retention of the Queen Post Truss roof structure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
23. The rear wall of the building which comprises the garden wall of the Bede Houses should not be altered in any way, should minor alteration occur then full details of the alteration should be submitted to and approved in writing by the Local Planning Authority prior to commencement. The development shall thereafter be carried out in accordance with the approved details
24. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class A, B, C, D and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Officer to contact: **Ms Louise Parker**

Date: 19th January 2018.