



**Melton
Borough
Council**

Helping people | Shaping places



Planning Committee

6 August 2020

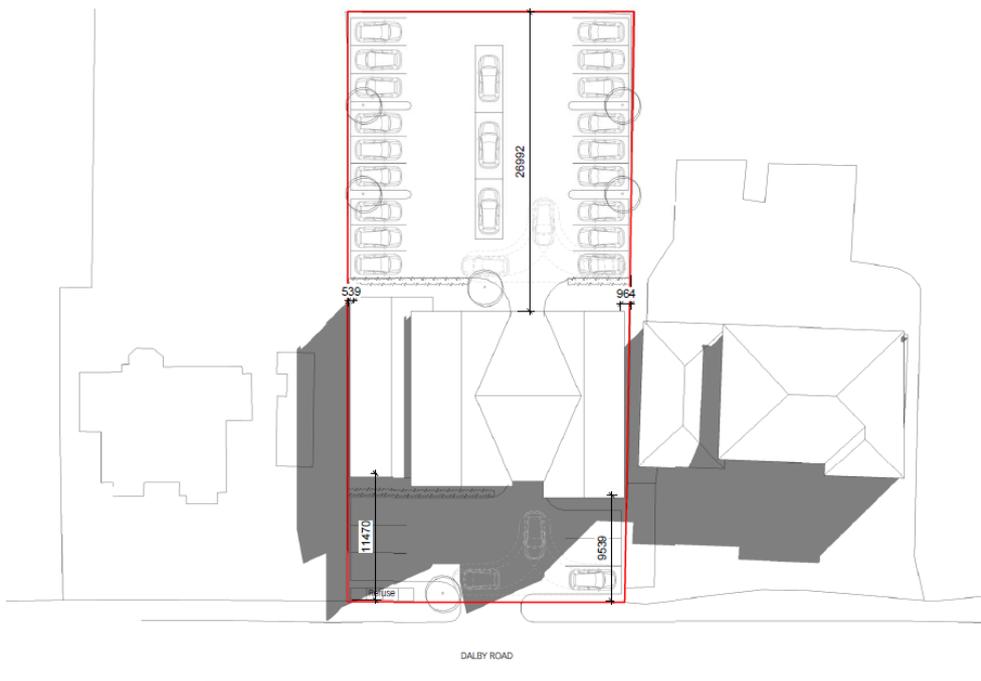
Report of: Assistant Director for Planning and Delivery

20/00433/OUT Proposed apartment block to create 15 apartments – 66 Dalby Road Melton Mowbray

Applicant: Mr David Sutherland

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Melton Dorian : Councillor Cumbers, Councillor Pearson and Councillor Wood
Date of consultation with Ward Member(s):	29 April 2020
Exempt Information:	No

1 Summary



- 1.1 The application site is currently occupied by a bungalow which is vacant and in a poor state of repair. This is an outline application for the demolition of the bungalow and redevelopment of the site with 15 apartments. All matters are reserved and so although indicative plans have been provided, the main consideration is the principle of the development. If approved, a further application would consider the 'reserved matters' of scale, layout, appearance, access and landscaping.
- 1.2 The application proposes 10 x 1 bed apartments and 5 x 2 bed apartments. All are open market dwellings. The plans indicate a part 2 storey and part 3 storey building with parking to the front and rear providing 27 spaces for the 15 apartments.
- 1.3 This side of Dalby Road is characterised by a wide mix of properties, with large detached dwellings to the south and an apartment block immediately to the north known as New Dorian Lodge which has 2/3 storeys, off street car parking and three small dwellings to the rear. Beyond New Dorian Lodge is a church.
- 1.4 The application is recommended for approval as the principle of redevelopment for small apartments is acceptable. The location within Melton Mowbray is a sustainable location for residential development, close to local facilities and transport links.

RECOMMENDATION(S)

- 1. It is recommended the application is approved subject to:**
- 1.1 **Conditions as set out in Appendix C and**
- 1.2 **any other conditions required by the Lead Local Flood Authority and County Ecologist, following satisfactory completion of an ecology report / protected species survey including recommendations for mitigation if appropriate and biodiversity enhancements**
- 1.3 **Completion of a Section 106 Agreement to secure:**
- **financial contributions towards libraries, waste, healthcare and the Melton Mowbray Distributor Road (MMDR) as set out at paragraph 4.8.1 below.**
 - **to secure 2 of the units as Discounted Market Sale or an equivalent commuted sum.**

2 Reason for Recommendations

- 2.1 The proposal accords with the requirements of Policies SS1 and SS2 which emphasise the need to provide housing in locations that can take advantage of sustainable travel.
- 2.2 In principle, apartments would not appear out of character with the area (subject to detailed design). Off street car parking is likely to be able to be provided in accordance with Leicestershire Highways Design Guide and the Local Highway Authority has no objections. Due to the size of the site and relationship with nearby property, subject to detailed design, the development can safeguard neighbouring residential amenity. The approval would be subject to conditions and contributions towards infrastructure as detailed in the report.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 The application is required to be presented to the Committee due to having received more than 10 objections, contrary to the recommendation.

3.2 Relevant Policies

3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

3.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

3.2.3 Please see Appendix D for a list of all applicable policies.

3.3 Main Issues

The main issues for this application are considered to be:

- Principle of residential redevelopment
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways and parking
- Impact on ecology
- Impact on flood risk
- Implications on infrastructure

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 The site is within Melton Mowbray and policies SS1 and SS2 of the Local Plan apply. These policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy for delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable credentials. Melton Mowbray is the Main Urban Area and is the priority location for growth, accommodating approximately 65% of the Borough's housing need

4.1.2 Policy C2 relates to Housing Mix and Policy C4 to Affordable Housing provision. Residential proposals for developments of 10 dwellings or more should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough having regard to the latest evidence of housing need. There is a requirement for smaller dwellings across the Borough and the Council's Housing Policy Officer advises that for this development there is a requirement for either 2 x Discounted Market Sale dwellings, to be sold at no more than 80% of market value (OMV) or a financial off site commuted sum to be paid (calculated in accordance with the Housing Mix and Affordable Housing SPD and Appendices based on 2 x 2 bed dwellings).

- 4.1.3 As a development of more than 10 dwellings, contributions towards infrastructure, including the Melton Mowbray Distributor Road (MMDR) apply in accordance with Policy IN3 of the Local Plan.
- 4.1.4 Other material considerations include the NPPF and the adopted MBC Housing Mix and Affordable Housing Supplementary Planning Document.
- 4.2 **Principle of Development (Policies SS1 and SS2)**
- 4.2.1 The redevelopment of the site accords with the principle of policies SS1 and SS2 of the Local Plan. The site is in a sustainable location and is a brownfield site. The NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Section 11 of the NPPF relates to 'Making effective use of land' and advises that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. With reference to density, the NPPF advises that planning policies and decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, the availability of infrastructure and the desirability of maintaining an area's prevailing character, securing well designed and attractive places.
- 4.2.2 In this instance, subject to detailed design at the reserved matters stage it is considered that the principle of redevelopment for 15 apartments is acceptable. The existing bungalow is not a significant building which merits retention and the area has a mixed character, with small, medium and large scale buildings nearby. The site is adjacent to a modern apartment block. There is no reason to refuse a proposal to increase the density of the site in principle.
- 4.2.3 The proposal complies with Policies SS1 and SS2 of the Local Plan and the NPPF and so is acceptable in principle.
- 4.3 **Impact upon the character of the area (Policy D1)**
- 4.3.1 Policy D1 of the Local Plan requires new developments to be of high quality design regarding layout, context, amenity, landscaping and connectivity. Whilst detailed plans are not for consideration with this outline application, the indicative plans show the building of a similar height and footprint to the adjacent apartment building to the north, which is also largely three storeys facing the street. It is also comparable in terms of its relationship to the street scene and distances to neighbouring buildings. The development would therefore not be out of keeping with the character of the area and the external appearance of the building could be further amended to improve its relationship to the adjacent apartments, for example by incorporating hipped roofs rather than large gable ends.
- 4.3.2 The indicative street scene shows a lower two storey element adjacent to the dwelling at number 68 to the south. This is a similar relationship to that between New Dorian Lodge and the existing bungalow on the site, where the height of the apartments are dropped to two storey to provide a transition down to the lower building. Whilst the new building will be larger than the adjacent dwelling at number 68, this property is not a modest dwelling, being a large Arts and Crafts type traditional property. It is set off the boundary, having a single storey element to the side. The indicative street scene demonstrates that the scale of the proposed building could be successfully integrated with the two adjacent buildings satisfactorily without it appearing cramped, overdeveloped or out of context.

- 4.3.3 The plot area is quite substantial as an infill site (0.13 hectares) and so the redeveloped site can continue to provide space around the building to accommodate car parking, refuse and recycling facilities and a degree of soft landscaping appropriate for 15 small apartments. Whilst private garden areas will probably not be feasible if car parking is maximised by being provided to the rear as well as the front, this in itself is not a requirement for apartments. Should the area to the rear of the building be used for car parking it would have no visual impact on the public realm or the character and appearance of the wider area.
- 4.3.4 Car parking to the front of the building would be visible from the street but would not have a significantly different visual impact to other similar arrangements nearby. It is likely communal refuse and recycling bins would be applicable to this development. Whilst these would need to be accessible there is no reason to suppose that suitable screened facilities could not be provided and a condition is proposed to approve specific details of these arrangements. There is a semi mature horse chestnut tree in the adjacent garden which provides some significant amenity value to the street. However, its canopy does not extend within the site and the proposed development is unlikely to impact upon its long term health.
- 4.3.5 The proposal for 15 apartments would not have a significant adverse visual impact on the character and appearance of the area and subject to detailed design, the development can provide an acceptable and good quality design which would enhance the area in accordance with Policy D1 of the Local Plan.
- 4.4 **Impact upon residential amenities (Policy D1)**
- 4.4.1 The siting of the building as shown on the indicative plans demonstrates that the footprint would not extend significantly beyond the rear of the adjacent buildings or come closer to the road than the existing bungalow. Neither of the adjacent properties have principal windows facing the side. There would therefore not be a significant loss of light or overbearing impact as a result of the development which would justify its refusal on these grounds. The properties to the rear are a significant distance from the windows on the rear elevation and well within what is customarily considered to be an acceptable distance to avoid undue loss of privacy. Whilst views from windows to the rear would give views of the rear gardens of the adjacent properties, these would be oblique and would not have direct views into windows or private accommodation. The three small dwellings behind New Dorian Lodge (60-64) are not directly in the line of sight of the development and have their private gardens to the other side.
- 4.4.2 The outlook and privacy of the nearby dwellings would not be compromised unduly. The replacement of a bungalow with 15 apartments will necessarily result in some increased vehicle movements, noise and emissions. However, with ten 1 bed flats and 5 two bed flats in a close to town centre location, this would not be a constant or significant source above and beyond the situation that residents would expect. There is also scope to reduce the car parking slightly and still comply with the Leicestershire Highways Design Guide, so providing a potential opportunity to increase soft landscaping to the boundaries around the rear car park. Overall therefore, it is considered that the development can safeguard residential amenity in accordance with Policy D1 of the Local Plan.
- 4.4.3 Loss of view is not a planning consideration as there is no right to a specific view.
- 4.5 **Highways Issues (Policies D1, IN1, IN2)**

Whilst access is a reserved matter, it is anticipated that there would be one access onto Dalby Road with some car parking to the front and the remainder to the rear. The Leicestershire Highways Design Guide indicates that the development should have 25 parking spaces, which is feasible. At reserved matters stage it is likely that standard conditions relating to the construction of the access will be required to ensure vehicles are able to enter and leave the site at the same time, thus avoiding backing up onto Dalby Road. The Highways Authority have no objections in principle to the development and does not consider the development would exacerbate the likelihood of traffic related incidents occurring on the wider network.

- 4.5.1 In September 2015 the County Council's Cabinet resolved to accept a proportionate and reasonable deterioration in traffic conditions in Melton Mowbray as a result of developments being permitted prior to full completion of an outer relief road now referred to as the Melton Mowbray Distributor Road on the condition that such developments are contributing to the delivery of the road and the wider strategy. In this instance a sum of £129,795 (£8,653 x 15) towards the delivery of strategic transport improvements including the MMDR is applicable.
- 4.5.2 There are no highway safety reasons to refuse the application as the proposal can provide suitable parking and access onto the public highway, to be considered in more detail at the reserved matters stage and subject to the imposition of conditions as requested by the Local Highway Authority. The proposal therefore accords with Policy D1, IN1 and IN2 of the Melton Local Plan.
- 4.6 **Ecology (Policy EN2)**
- 4.6.1 There is an existing bungalow on the site which would be demolished and the building has been empty for some time. It is possible that protected species such as bats may use the building. The time the application was submitted was a sub optimal time of year for a bat survey to take place but the agents have confirmed that this is to be arranged. Results and recommendations of such reports must be available prior to determination of planning applications. The recommendation of approval is therefore subject to the results of the report and any recommendations contained within and subject to consultation with the County Ecologist.
- 4.6.2 Subject to the satisfactory receipt of a protected species survey prior to determination of the application and appropriate conditions to safeguard and enhance biodiversity on the site the proposed development would accord with Policy EN2 of the Local Plan and Section 15 of the NPPF.
- 4.7 **Flood Risk/Drainage (Policy EN11)**
- 4.7.1 The site is within flood risk zone 1 (low risk). A Flood Risk Assessment is not required but the Lead Local Flood Authority has asked for further information on how the surface water would be accommodated on the site. The applicants have indicated this would be to an existing surface water sewer and confirmation has been requested from Severn Trent Water that this is feasible. An update will be provided to the Committee on this together with any conditions that the LLFA may require. There are no in principle reasons that indicate the site could not be satisfactorily drained, subject to conditions relating to a detailed drainage scheme and so the proposal accords with Policy EN11.
- 4.8 **Implications on Infrastructure and affordable housing (Policies IN1, IN3, C2 and C4)**

4.8.1 Financial contributions towards improvements in local infrastructure are applicable to this development regarding:

- Waste: £1240.00
- Libraries: £300.00,
- Healthcare: £4105 for new surgery facilities and;
- strategic transport £129,795 (see above).

(NB no education request in this instance due to the size and nature of the units)

These can be secured via a Section 106 Agreement. The housing policy officer has indicated that this scheme should provide two of the 15 units as Discounted Market Sale or an equivalent commuted sum in accordance with the requirements for Affordable Housing and the Council's Housing mix policy (2 x £42,000)..

4.8.2 The contributions are supported with information explaining the basis for their calculation, their need and their relationship to the development concerned. It is considered all are compliant with the requirements so for the Community Infrastructure Regulations (Reg 122).

4.8.3 Subject to confirmation of these provisions, the application is acceptable in terms of its impact on local infrastructure and complies with the requirements of Policies C2, C4, IN4 of the Local Plan and the Councils adopted Supplementary Planning Document 'Housing Mix and Affordable Housing'.

5 Consultation & Feedback

5.1 A site notice was posted and neighbouring properties consulted.

5.2 As a result 15 letters of objection / comment were received as summarised in Appendix B.

6 Financial Implications

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

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 No specific issues are identified. The application is being considered by the Committee under the scheme of delegation within the Constitution. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Legal Advisor (Planning)

8 Background Papers

06/01002/FUL Residential accommodation for children with behaviour problems:

Refused on grounds of 1) incongruous design not in keeping in an area of substantial taller buildings and 2) its siting to the rear of the plot would be overbearing on the amenity of number 58.

07/01255/FUL Residential / respite accommodation for 8 children with behaviour problems: Permitted.

9 Appendices

- 9.1 A : Consultation responses
B : Representations received
C : Recommended conditions
D : Applicable Development Plan Policies

Report Author:	Amanda Haisman, Planning Officer
Report Author Contact Details:	01664 502453 ahaisman@melton.gov.uk
Chief Officer Responsible:	Jim Worley, Assistant Director for Planning and Delivery
Chief Officer Contact Details:	01664 502359 jworley@melton.gov.uk

Appendix A : Consultation replies summary

Ward Members: Councillor Freer-Jones has questioned whether the adjacent apartments development was subject to any planning conditions when it was approved (in 1991). Standard conditions relating to materials, landscaping, access, drainage etc only.

Housing Policy: As the proposal is for 15 dwellings, the affordable housing requirement would be 2 dwellings, as it is 1.5 rounded up to 2, to comply with Melton's adopted Housing Mix and Affordable Housing SPD. It is 10% because para 64 of the NPPF states 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups'. For this site, I recommend either 2 x Discounted Market Sale dwellings, to be sold at no more than 80% OMV and to be held in perpetuity (secured through a covenant on the deeds to each property) or a financial commuted sum to be paid (calculated in accordance with the Housing Mix and Affordable Housing SPD and Appendices based on 2 dwellings).

Environmental Health: Request a condition relating to hours of construction work / deliveries.

LCC Highways: The Local Highway Authority advice is that, in its view, the impacts of development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development does not conflict with paragraph 109 of the NPPF subject to conditions / obligations. Dalby Road is a Class B road subject to a 30mph speed limit. There have been six recorded personal injury collisions on Dalby

Road within 500m of the site within the last 5 years to day (5 slight and 1 serious). The LHA does not consider the development would exacerbate the likelihood of further such incidents occurring on the wider network.

In September 2015 the County Council's Cabinet resolved to accept a proportionate and reasonable deterioration in traffic conditions in Melton Mowbray as a result of developments being permitted prior to full completion of an outer relief road now referred to as the Melton Mowbray Distributor Road on the condition that such developments are contributing to the delivery of the road and the wider strategy. The LHA will seek to enter into a Section 106 Agreement for a contribution based on a proportionate impact of this development on the highway network. Based on the established approach, the LHA advises a contribution of £129,795 (£8,653 x 15) towards the delivery of strategic transport improvements including the MMDR will be sought from these proposals.

A condition relating to the submission of a construction management plan is also requested.

LCC Lead Local Flood Authority (LLFA): Refers to Standing Advice (Brown field sites of less than 1 hectare). For sites that were previously developed, the peak runoff rate to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to the redevelopment for that event. Further information will be required regarding how the site will be drained of surface water. The LLFA has been asked if conditions can address the outstanding information and an update will be provided on this to the committee.

LCC Developer Contributions:

Education – No contribution required as the number of dwellings with two or more bedrooms is below the threshold of ten.

Waste Management – A contribution would be required to ensure that local waste facilities can continue to maintain the existing level of service and capacity. The proposed development would not be able to be accommodated at the existing waste facilities and be able to maintain the existing service levels. As such a developer contribution of £1240.00 is required (15 x £82.66).

Libraries – The nearest local library facility is Wilton Road. In order to provide the additional materials required to meet the needs of the increased population Leicestershire Library Services requires a contribution of £300 (rounded up to the nearest £10).

Environment Agency: No comments.

Designing out Crime: Permeability is not an issue in relation to site access by vehicle or on foot as there is only the single entry point. Vehicle parking is in curtilage and in close proximity to the main building. Consideration of gable end windows is recommended to allow improved natural observation.

Advice is given on door sets, lighting, alarms, bin/cycle storage and CCTV.

East Leicestershire and Rutland Clinical Commissioning Group:

Calculates that the development would generate approximately 15 additional patients. The nearest practice is Latham House Medical Practice. A funding request towards a second surgery in Melton is made of £4,106.03, based on the likely impact of the new population in terms of the number of additional consultations per year.

Appendix B : Summary of representations received

Fifteen letters of objection / comments raising concerns have been received from nearby residents on the following matters:

- Density is too high (adjacent New Dorian Lodge has 8 apartments and 3 houses)
- Impact on highway safety caused by vehicles queuing
- No information on materials or boundaries
- Loss of light
- Noise and fumes from car park
- Increased traffic and pollution
- Scale of building is out of keeping with the area
- Number and location of refuse bins at the front would be unsightly
- Overdevelopment
- Further information on access and parking required
- Insufficient parking
- Disturbance during construction
- Lack of landscaping areas
- Proposed height of the building is too dominant and overbearing
- Three storey building is inappropriate
- Loss of view / view of car park

Appendix C: Recommended Conditions

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.

2. No development shall commence on the site until approval of the details of the layout, scale, external appearance of the building, access and the landscaping of the site (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, 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 and timetable.
4. All construction work, demolition work and deliveries to the site during the construction period shall take place between the hours of 7.00 - 19.00 Monday to Friday 8.00 - 13.00 on Saturday and at no time on Sundays or public holidays.
5. No development shall take place until full details of refuse and recycling facilities are provided to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Appendix D : Applicable Development Plan Policies

- SS1 – Sustainable development
- SS2 – Development strategy
- C2 – Housing mix
- C3 – National space standards and smaller dwellings
- C4 – Affordable housing
- EN2 – Biodiversity
- EN7 – Open space and recreation
- EN11 – Minimising the risk of flooding
- IN1 – Melton transport strategy
- IN2 – Transport
- IN3 – Infrastructure contributions
- D1 – Raising the standard of design