



Rural Capital of Food

Agenda

Meeting name	Planning Committee
Date	Tuesday, 20 February 2018
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
Other information	This meeting is open to the public

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	J. Illingworth (Chair) P. Baguley P. Chandler P. Faulkner T. Greenow J. Wyatt	P. Posnett (Vice-Chair) G. Botterill P. Cumbers M. Glancy E. Holmes
Substitutes	L. Higgins B. Rhodes	A. Pearson

Quorum: 4 Councillors

Meeting enquiries	Development Control
Email	externaldevelopmentcontrol@melton.gov.uk
Agenda despatched	Monday, 12 February 2018

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the previous meetings on 11.01.18 and 01.02.2018	1 - 50
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	51 - 52
4.	SCHEDULE OF APPLICATIONS	
4 .1	17/00671/OUT Land North of Main Road, Old Dalby	53 - 70
4 .2	17/00996/OUT OS Field Number 0349 Manor Road, Easthorpe	71 - 94
4 .3	17/01139/FUL Land Adj. The Hall, Main Street, Gaddesby	95 - 106
4 .4	17/01389/FUL Butlers Cottage, 11 Somerby Road, Pickwell	107 - 120
4 .5	17/01552/FULHH The Poplars, Waltham Road, Thorpe Arnold	121 - 126
5.	URGENT BUSINESS To consider any other items that the Chair considers urgent	
	SITE VISIT INSPECTION SCHEDULE 19.02.2018	127 - 128

Minutes

Meeting name	Planning Committee
Date	Thursday, 11 January 2018
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors

P. Posnett (Vice-Chair)	P. Baguley
G. Botterill	P. Chandler
P. Cumbers	P. Faulkner
M. Glancy	T. Greenow
E. Holmes	J. Wyatt

Observers

Officers

- Solicitor To The Council (SP)
- Head of Strategic Planning and Regulatory Services
- Planning Officer (GBA)
- Planning Officer (JL)
- Applications And Advice Manager (LP)
- Administrative Assistant (MF)

Minute No.	Minute
PL69	<p>Apologies for Absence None.</p>
PL70	<p>Declarations of Interest Cllr Baguley declared a personal and pecuniary interest in application 17/00507/COU – The John Dory, Barkestone Le Vale.</p> <p>Cllr Greenow declared a personal and pecuniary interest in application 17/01320/FUL – Land South of Hill Top Farm, Melton Mowbray and application 17/01044/FUL – Cattle Market, Melton Mowbray.</p>
PL71	<p>Schedule of Applications</p>
PL71.1	<p>17/00507/COU Applicant: Mike Timson Location: The John Dory, 2 Rutland Square, Barkestone Le Vale Proposal: Conversion of former public house/restaurant/living accommodation into two dwellings</p> <p>Cllr Baguley left the room for the duration of this application at 18:04</p> <p>The Planning Officer (JL) provided a detailed update on information provided by both the owner and the prospective purchasers regarding progress towards the sale of the property to the 'BHG' group, explaining the terms being discussed and the progress towards agreement</p> <p>She also reported that The BHG have made reference to a recent appeal decision in Thorpe Satchville. This relates to the Fox Inn, which was dismissed, however in this case the Inspector was not satisfied that there had been sufficient marketing carried out (they did also note that the loss of the pub would result in the loss of a community facility and would not demonstrate sustainable development. There is also an outstanding ACV nomination on the property. This is yet to be determined, however the report does provide the previous history on this process, which has included three rejected ACV nominations in the past.</p> <p>A Cllr sought clarification on the current state of affairs with regards to the sale of the pub to the local residents group.</p> <p>The Planning Officer responded that a purchase price had been agreed and heads of terms had been agreed.</p> <p>A Cllr sought legal advice on the current situation.</p> <p>The Solicitor to the Council responded that even if heads of terms have been</p>

agreed, there is no legal agreement between the two parties for a deal to go ahead.

The Chair invited a deferral from the floor.

Cllr Chandler proposed to defer the application to allow greater time for the details of the sale to be concluded.

Cllr Wyatt seconded the motion to defer the application.

A Cllr queried whether both sides had agreed to the heads of terms.

The Planning Officer responded that the purchaser had not yet agreed to the heads of terms.

A Vote was taken on the motion to defer.

7 Members supported the motion

2 Members voted against the motion

1 Member abstained from the vote

DETERMINATION: DEFER, to allow more time for negotiations regarding the sale of the property to be concluded.

PL71.2

17/00982/OUT

Applicant: Mr Gamble

Location: Sunny Cottage, 2 Pinfold Lane, Bottesford

Proposal: Demolition of existing dwelling house and garage. Replacement development of residential units to include four dwelling houses (C3 use) (amended proposal for four dwellings not five as previously submitted.)

Cllr Baguley returned to the meeting at 18:19

The Planning Officer (GBA) introduced the report and advised:

The application is for four new dwellings outline all matters reserved involving the demolition of one already on site.

Three more representations have been received which object on grounds of safety, important corner removing openness and report matters

Site visit will have informed the Committee's appreciation for density in Bottesford – it is difficult to estimate and varies in different parts of the village but around the 8 dwellings per hectare.

He apologised that the site is referred to as Greenfield in the report but not the case.

The site is considered acceptable in terms of highway safety and improvement through Reserved matters. LCC Highways have been scrutinised over findings and are satisfied with their recommendation.

Development proposes two dwellings with good amenities to all and reflect local need with ample parking Features to integrate the site into the location will be brought about through a successful Reserved Matters scheme.

Sequential test queries

The flooding advisors maintain the EA guidelines and have been followed. LLFA comments suggest that the development will have features to mitigate against impacts of flooding.

a) Bob Bayman, on behalf of the Parish Council, was invited to speak and stated that:

- Parish Council objects to this application.
- There is a large residential area nearby that gains access through Pinfold Lane.
- The proposed access is at the narrowest point on Pinfold Lane.
- There are another two junctions nearby and this will make the highways issue worse.
- This site is near the entrance to the village, and this will damage the village feel.
- It is a poor design and not in keeping with the street scene.

A Cllr queried whether access had already been decided.

Mr Bayman responded that access is likely to be at the proposed site entrance on the illustrative plans.

A Cllr asked whether they had been any serious accidents on the road here.

Mr Bayman responded that there are constant near misses, and that you shouldn't be waiting for a bad accident before anything is done about it.

b) Kevin Stones, an objector, was invited to speak and stated that:

- His rear garden backs onto this site.
- It is not large enough for the proposed dwellings.
- There are significant objections to this proposal within the village.
- This will cause a lot of on street parking.
- There are highways issues in the area, and a lot of schoolchildren use the nearby footpaths.
- There are daily near misses in the area.
- The highways issues here have been known to residents for years, and this proposal will make the site worse.
- This is contrary to the NPPF as it will damage the village feel.
- It will cause a loss of privacy for neighbours.
- The form and character of the village will be ruined.

A Cllr queried where his property was on the map.

Mr Stones pointed out his property on the map, as it backs onto the site.

The Planning Officer (GBA) responded that LCC Highways have no issues with the

development.

A Cllr sought clarification on what houses and house types would go on the site. The Case Officer (GBA) responded that this could be decided by the Council at a later date through the conditions. The application is 'outline' only with a minimal level of information and though less than ideal, this is permissible.

A Cllr commented that there are highways issues on this site, as was demonstrated by the site visit. Also, this site is a sensitive area, and is next to the High Street Conservation Area. This proposal would lead to over intensification and overdevelopment of the site, as it will be at 43 houses per hectare. Also support the request for more flooding tests on the site.

A Cllr commented that there are known highways issues in this area, and the roads around there are dangerous. We cannot wait for somebody to be killed before anything is done with the road issues. This would lead to over intensification on the site.

The Case Officer (GBA) queried whether this site, with the addition of only a few houses, would affect the highways situation too much.

The Head of Strategic Planning and Regulatory Services commented that LCC Highways have to look at how much the new development will affect the current situation, and whether it makes the road safety "severe", following NPPF requirements. The approach to Highways road safety assessment was changed in 2012 by the NPPF, evidently to make it more favourable to development.

A Cllr commented that it is a matter of judgement how bad the current road safety situation is, and how much the new houses will affect it.

A Cllr queried whether the site was included in either the Local Plan or the Neighbourhood Plan.

The Head of Strategic Planning and Regulatory Services responded that the site is too small to be allocated in the Local Plan, and the Neighbourhood Plan for the area has not yet been published.

A Cllr questioned whether this is already significant allocations for the area in the Local Plan.

The Head of Strategic Planning and Regulatory Services responded that the area already has enough sites allocated in the Local Plan.

A Cllr commented that they cannot support until the access has been decided.

The Head of Strategic Planning and Regulatory Services commented that the current plans are only indicative and can change later on.

A Cllr commented that they have concerns with regards to the sequential test and over intensification on the site, and it is difficult to agree with the Planning Officer.

A Cllr commented that a sequential test was needed to establish flood risk, and this site is a Zone 2 flood area.

Cllr Holmes proposed a motion to refuse the application on grounds of the absence of a sequential test, over intensification of the site, poor design and site layout, and highways issues in the area.

Cllr Chandler seconded the motion to refuse.

A Cllr sought clarification as for the reasons for refusal.
The reasons for refusal were reiterated by Cllr Holmes.

A Vote was taken on the motion to refuse.

10 Members supported the motion.
0 Members voted against the motion.
1 Member abstained from the vote.

DETERMINATION: REFUSED, for the following reasons:

1. The proposed development is in a location vulnerable to flooding and it has not been demonstrated, through the application of a 'Sequential Test' that there are no preferable sites available (in terms of a lower level of flood risk), therefore, the development is contrary to the advice in the NPPF at paragraphs 100, 101 & 103.

2. The development proposed is considered to have an adverse impact on the form and character of this part of the village of Bottesford. The proposed development on this site fails to respect the open nature of the local area. It is therefore contrary to policies BE1 of the Melton Local Plan 1999 and Paragraphs 17, 61 and 64 of the NPPF.

3. The development proposed is very close to a junction which is considered very dangerous for pedestrians, motorists and other road users. The increased traffic movements which would be caused by this development is considered to also further increase the likelihood of accidents in the local area. For these reasons the development proposes a severe impact to highway safety, contrary to National Planning Policy Framework para. 32.

PL71.3

16/00352/OUT

Applicant: Mr Andy Norris
Location: Field 3957, Manor Road, Easthorpe
Proposal: Proposed residential development

The Head of Strategic Planning and Regulatory Services stated that we are waiting for the results of a sequential test, as the current results are inconclusive.

The Chair invited a deferral.

Cllr Holmes proposed a deferral.

Cllr Chandler seconded the motion for a deferral.

A Cllr commented that we should be deciding the application, like the previous application, to remain consistent.

The Head of Strategic Planning and Regulatory Services commented that the previous application did not have a sequential test, whilst this application does and we are currently waiting for conclusive results.

A Cllr stated that this application is off Muston Lane and not Manor Road, and that we need to wait for the full results of the sequential test.

A Cllr stated that there are worse flood issues here than in the area of the previous application.

A Vote was taken on the motion to defer.

11 Members supported the motion.

0 Members opposed the motion.

0 Members abstained from the vote.

DETERMINATION: DEFER, to allow for the submission of an updated and completed Sequential Test.

PL71.4

17/00397/FUL

Applicant: Mrs Sarah Grey

Location: Land Opposite 1 and 10, Station Lane, Old Dalby

Proposal: Residential development of up to 80 dwellings, associated infrastructure and landscaping.

This application was withdrawn from the agenda.

PL71.5

17/01047/FUL

Applicant: Redmile Developments LTD

Location: Dairy Houses, 9 Langar Lane, Harby

Proposal: Erection of 5 dwellings (re-locations of Plots 7, 8 and 10 of planning permission 15/00933/FUL and erection of an additional 2 dwellings plot 11 and 12).

The Planning Officer introduced the application and advised:

- A very detailed response to the Committee report has been submitted from an objector, commenting on much of its content. This was reported in full and is summarised as follows:
 - The size and scale and mass has already been breached and now the developer seeks to further undermine that phrase with over development of the site which is not matched by other properties on Langar Lane. One large property,

recently built by the developer was given planning consent even though it is out of proportion to the plot that it sits on and dominates the future development as a whole.

- Insufficient consideration may be given to the whole situation in favour of a timed schedule to get properties built.

- The over development makes the site more urban than it is rural and does not enhance the surrounding countryside or the village atmosphere

- The development proposed is not safe for motorists, pedestrians, horses or people with disabilities. There appears to be inadequate footpaths suitable for disability scooters or wheelchairs. A roadway shared with motor vehicles into the site is not suitable for the disabled transport.

- this latest planning application is approved it will fly in the face of Good Design, and the site that is over developed and looks very urban will not integrate and will stand out like sore thumb on one of the main approach roads into Harby, and this old and historic village.

- How would the three properties he refers to be appropriate and 'would address the street scene.'? The rest of the properties on Langar Lane are better spaced, stand back from the road with greenery to the front of the properties and wide verges, with nothing built behind them (in the majority of cases) These new proposed properties are closer together, border the narrow pavements with minimal area for greenery at the front and there are no bungalows in the proposal.

- LCC Highways are said to have raised no objections on safety grounds. Why is that? The additional house will attract residents with cars. In theory the number of residents in each house could easily result in more vehicles than parking spaces on driveways allow. Where will these vehicles park? Undoubtedly on Langar Lane. This will create an added danger for drivers entering to leaving the development and for drivers negotiating parked vehicles on a busy Langar Lane. Are the Highways fully aware of the difficulties already posed on Langar Lane? Vehicles speed out of the village and into it over a humpback bridge which makes visibility difficult in the area of the entrance to this development. Large vehicles such as tractors with heavy trailers use this route and whilst the drivers will sit higher in the cabs it will not make negotiating Langar Lane easier if vehicles are parked outside 3 properties. Two new properties with more parking at the rear would be safer and more aesthetically pleasing for the area as well reducing the over development and urban appearance of the site.

- Most of the conditions were not complied with and the whole length of Langer Lane became a shambles of uncoordinated works and a safety hazard during the construction phase 1.

- It also states that the Applicant has indicated that School Lane, Dickmans Lane and Boyer's Orchard will not be used by delivery drivers. There were several 'guarantees' and 'assurances' given to resident before construction started. None were kept.

- Two, four bedroom properties has the potential for at least 4 cars per household, perhaps more. Parking space is not sufficient on two properties to accommodate 8 vehicles?

- There is an estimate of available spaces at the school which conveniently suits the figure of 4 children from the new properties. The school capacity is limited. What if there are 10 children in the new plots. These estimated figures will

then be useless and wrong. This section is not a valid argument in my opinion. Like so many things, the report takes account of the best case scenario and not the worst case and the best laid plans etc., never – or rarely – work out as expected.

- Access road width is stated as being sufficient to allow two cars to pass each other. Should any errant parking take place and then a wider vehicle – fire engine for instance, needs access;
- It is contested whether the size of the gardens proposed are adequate for the corresponding size of properties from the plans, the gardens are very minimal which will detract from the individual buildings and the site as a whole.
- ‘The application is for full planning permission and therefore it is considered that the proposal present is what will be constructed.’ This in my opinion is a naive statement. As we all know, various amendments can be made by the developer during construction – and have been in the past – and what initial planning is granted is NOT always what is eventually built.
- If previous bad practice is not recognised and dealt with (and you may pass the buck and say that this is the problem of other departments) then developments will despoil the village and ruin the heritage of the area.
- NP POLICY H7: HOUSING DESIGN: The over development does not enhance the ‘character of the area’
- The over development and bunching of properties on Langar Lane does not reflect the character or density of the surrounding area.

a) Cllr Tillyard, on behalf of the Parish Council, was invited to speak and stated that:

- Permission has already been granted on this site for 10 houses.
- There was originally planned to be 5 houses on each side of the road.
- There are concerns about the house on plot 10.
- There would be over-congestion on the site if this application were approved.
- There are Parking and safety issues on this site and the surrounding area.
- There is no independent access due to plot 10 blocking access.
- Plot 10 makes the site overcrowded.
- There have already been 139 dwellings granted permission in Harby.

Cllrs had no questions for Cllr Tillyard.

b) Phillip Goodman, an objector, was invited to speak and stated that:
• He is a former planning inspector who helped to produce the local Neighbourhood Plan.

- The site would be cramped and overcrowded.
- It reduces green space in the area.
- It would cause on street parking in the vicinity.
- There is limited space for refuse bins on the site.
- Housing needs are already met in the Local Plan and the Neighbourhood Plan.
- The street scene would be very cramped here.
- It is contrary to the NPPF, and Local Plan and the Neighbourhood Plan.

A Cllr asked what the Neighbourhood Plan allocation was for the site. Mr Goodman answered that the Neighbourhood Plan allocated 10 dwellings for the site, which have already been granted.

- c) Caroline Chave, the agent, was invited to speak and stated that:
- This site is already a Brownfield site.
 - The site is within the village envelope.
 - The used to be a dairy on the site, which closed in 2012.
 - The Larger self-build units that were intended for the site have not sold, so are being redeveloped into smaller units.
 - This will make better use of the village Brownfield land.
 - The proposed buildings are of lower heights than other buildings within the village.
 - The properties are traditionally designed properties.
 - Each dwelling will have 2 parking spaces and a garage.
 - The self-build projects have central government support.

Cllrs had no questions for Ms Chave.

- d) Cllr Rhodes, the Ward Councillor, was invited to speak and stated that:
- Agree with the Parish Council and with Phillip Goodman.
 - There is not room for 5 dwellings on this site.
 - LCC Highways advice can be ignored if you disagree.
 - There is only room for 2 houses on the front of the development, not the 3 that are planned.

Cllrs had no questions for Cllr Rhodes.

The Planning Officer (JL) clarified on site parking provision by reference to the layout plan. Parking is off Langar Lane, and for plot 10, parking is to the rear of the property.

A Cllr commented that it looks like a promising development, but looks over intensive. A Neighbour has reported possible issues with drainage in the vicinity of the development.

Cllr Baguley proposed a motion for refusal on grounds that it is over intensive and out of keeping with the area and the street scene as a result.

Cllr Holmes seconded the motion for refusal. It is on a busy road and would lead to on street parking.

A Cllr commented that the development looked nice, but it would be cramped and overdeveloped. It will cause on street parking and so supports the motion to refuse.

A Cllr queried if we know the numbers and calculations for how cramped the plots would be. The Head of Strategic Planning and Regulatory Services responded that there is no specified arithmetic standard. It would be dependent upon the

Committee's judgement of the impacts of the development.

A Cllr stated that it would lead to further urbanisation within the village, and that we need to preserve village character.

A Cllr commented that there are no planning reasons for refusal of this development.

The Head of Strategic Planning and Regulatory Services responded that design and village character are important considerations for the Committee to judge.

A Cllr stated that it is replacing two large houses with three smaller ones, and so is in favour of permit.

A Cllr queried the current state of the Neighbourhood Plan.

The Head of Strategic Planning and Regulatory Services stated that the Neighbourhood Plan is currently post-examination so has significant weight.

A Cllr stated that the Neighbourhood Plan allocated 10 dwellings on this site, so it should stick to the 10 that have already been granted permission.

The Head of Strategic Planning and Regulatory Services responded that the NPPF would regard more houses as a benefit, and that Harby already has its NP allocation.

A Cllr commented that look and appearance of a development must be taken into account.

A Cllr commented that the site looks too cramped.

A Cllr stated that there would be an increase in on street parking if this development went ahead, irrespective of the advice of LCC Highways.

The Head of Strategic Planning and Regulatory Services stated that the judgement must be made on whether the increase in traffic and road safety issues would represent a hazard and whether it would be severe.

A Vote was taken on the motion to refuse.

7 Councillors supported the motion.

4 Councillors opposed the motion.

0 Councillors abstained from the vote.

DETERMINATION: REFUSED, for the following reason:

In the opinion of the Local Planning Authority, the proposed development is considered to represent the overdevelopment of the site, especially the proposed dwellings fronting Langar Lane, which would fail to respect its surroundings, reinforce local distinctiveness and have an adverse impact on the quality of the street scene. It is considered that the proposed

development would be harmful to the character and appearance of the street scene and wider village. The proposal is considered contrary to Section 7 of the NPPF 'Requiring Good Design', Policies OS1 and BE1 of the Melton Local Plan 1999 and Policy H7 of the Clawson, Hose and Harby Neighbourhood Development Plan, which seeks to ensure development is sympathetic to the site and surroundings. It is not considered that the benefits of the scheme are sufficient to outweigh these impacts.

PL71.6

17/01320/FUL

Applicant: Mr Martin Brown

Location: Land at South of Hill Top Farm, St Bartholomews Way, Melton Mowbray

Proposal: Farm shop and associated parking and landscaping.

Cllr Greenow left the meeting at 19:35.

The Planning Officer (JL) advised there was one late item to report. An amended plan has been received for the application which demonstrates the split of the development internally (with the proposed tea room). Therefore the condition relating to the drawings (no 2) will need to be amended to reflect this amendment-9th January 2018 (16/43/001)

The application seeks permission to erect a farm shop, associated with Hilltop Farm, located on Nottingham Road. It is required to be determined by the committee as approval of the application would be a departure to the 1999 Melton Local Plan. The proposed farm shop would be outside the village envelope and positioned approximately 1200m along the road from the host farm. The proposed development would require the construction of a new building. LCC Highways have not raised any highway safety concerns.

a) Maurice Fairhurst, the Agent, was invited to speak and stated that:

- There are currently no farm shops in the north of Melton.
- This is for the specific sale of farm products.
- It will sell produce made on the farm.
- It will be single storey and made of natural timber.
- It is a well landscaped design.
- It will provide a greater choice of fresh food.
- It will create more jobs.
- It has good parking on the site.
- It is supported by local residents as well as the NPPF and the Local Plan.

A Cllr questioned the proportions of the site that would be selling the produce made on site, and the proportion of the site that would be the tea room.

Mr Fairhurst responded that the tea room will take up roughly 25% of the site, and that of the space within the shop, roughly 75% will be selling goods and produce that is produced on the farm.

A Cllr queried the butchering facilities nearby.

Mr Fairhurst replied that there is a slaughterhouse in Long Clawson and another at Six Hills.

A Cllr queried the plans for both a nice view and for the screening in the plans. Mr Fairhurst replied that with the correct screening approach, both can be achieved.

A Cllr asked about the produce and how much will be done externally and how much on site.

Mr Fairhurst replied that the produce will return from the butchers and slaughterhouse as ready for sale.

A Cllr questioned the electricity arrangements.

Mr Fairhurst responded that the site does not currently have electricity, but will have it installed for the application.

A Cllr commented that this type of development is very good, and the type that we are looking for. It will produce local goods for local people, and requires no new access roads.

Cllr Posnett proposed to approve the application in accordance with the recommendation.

Cllr Baguley seconded the motion to approve the application.

A Cllr states that this is a win-win scenario and should be approved.

A Cllr questions what would happen if the business were to fail.

The Head of Strategic Planning and Regulatory Services responded that it would have to have a Change Of Use application to become anything else.

A Cllr states that they welcome this application, and that there is a huge demand for this within the borough.

A Cllr comments that this application is very welcome, and that it will be very close to the proposed bypass.

A Vote was taken on the motion to approve.

10 Councillors supported the motion.

0 Councillors opposed the motion.

0 Councillors abstained from the vote.

DETERMINATION: APPROVED, subject to the conditions as set out in the report, amended as per the Planning Officer's update, for the following reasons:

This proposed development would result in the erection of a building with associated car parking in a location that whilst not ideal for retail, is acceptable for the purpose of farm diversification, Farms and their associated ancillary elements are purposely not located close to the built form of towns and villages.

Information supplied by the agent demonstrates that whilst not currently on site, the agent is shortly to acquire additional livestock to ensure that 75% of the products sold by the farm shop will be reared at the applicants farm, with the remaining 25% of products will be brought in from elsewhere which will include seasonal vegetables from local producers. There is also a small tea room element proposed which will supply home baked bread, cakes and preservatives. As stated within the recently submitted New Melton Local Plan, Melton Mowbray is England's "Rural Capital of Food" and whilst Melton's food and drink specialism provides bespoke opportunities and a degree of local resilience, farm businesses are under pressure to respond to pricing volatility and to adapt to environmental challenges which adversely impact productivity and farm income.

It is considered that, on the balance of the issues, there are therefore significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of boosting the rural economy. Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits. Taking into account the proposed farm shop would be an ancillary use to the existing farm and provide income to support and increase the current level of farming activity at Hilltop Farm, it is considered that permission should be approved.

PL71.7

17/01044/FUL

Applicant: Melton Borough Council

Location: Cattle Market, Scalford Road, Melton Mowbray

Proposal: Use of site of former cattle market as a new temporary car park.

The Planning Officer (GBA) stated that there had been no updates to the report.

A Cllr queried the access onto the site.

The Planning Officer (GBA) stated that entrance is at the North-West of the site, and the exit is on the South-West of the site.

A Cllr queried why the application was only for a temporary car park.

The Planning Officer (GBA) responded that the site may be used differently in the future.

A Cllr stated that the exit is very close to the Nottingham Road and Asfordby Road junction, which is horrific and always has lots of traffic.

Cllr Posnett Proposed to Permit the application.

Cllr Wyatt Seconded the Motion to Permit.

A Vote was taken on the Motion to Permit.

10 Councillors supported the motion.

0 Councillors opposed the motion.

0 Councillors abstained from the vote.

DETERMINATION: PERMIT, subject to the conditions as set out in the report, for the following reasons:

The application seeks consent for a car park for a temporary period which is acceptable in the location proposed.

Cllr Greenow returned to the meeting at 19:52.

PL72

Urgent Business

Approval of the Minutes for the previous Planning Committee meeting on 30.11.2018.

A Cllr noted that the minutes did not include a declaration of interest from Cllr Illingworth for the application on Briars Well Farm.

This was the only amendment to the minutes.

A Vote was held to approve the minutes.

10 Councillors supported the motion.

0 Councillors opposed the motion.

0 Councillors abstained from the vote.

Cllr Posnett was not at the meeting so couldn't vote.

The Motion passes. The Previous minutes are approved.

No Further Business.

The meeting closed at: 8.01 pm

Chair

This page is intentionally left blank

Minutes

Meeting name	Planning Committee
Date	Thursday, 1 February 2018
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors

P. Posnett (Vice-Chair)	P. Baguley
G. Botterill	P. Chandler
P. Cumbers	P. Faulkner
M. Glancy	T. Greenow
E. Holmes	J. Wyatt

Observers

Officers

Solicitor To The Council (SP)
Assistant Director for Strategic Planning and Regulatory Services
Planning Officer (GBA)
Planning Officer (JL)
Applications And Advice Manager (LP)
Administrative Assistant (AS)

Minute No.	Minute
PL73	<p>Apologies for Absence None</p>
PL74	<p>Minutes Minutes of the meeting held on 04.12.17 (Special Meeting of the Planning Committee) and 11.01.18.</p> <p>Approval of the minutes of the meeting on 04.12.17 was proposed by Cllr Holmes and seconded by Cllr Chandler. It was unanimously agreed that the Chair sign them as a true record.</p> <p>Minutes of meeting on 11.01.18 were unanimously agreed to be deferred as all Members had not had enough time to consider them due to a delay in publishing.</p>
PL75	<p>Declarations of Interest The Chair stated that Cllr Orson, Ward Councillor for Old Dalby, would like it noted that he would not be speaking regarding application 17/00397/OUT – Land opposite 1 And 10 Station Lane, Old Dalby due to a disclosable pecuniary interest.</p> <p>Cllr Baguley declared a personal and pecuniary interest in application 17/00507/COU - The John Dory, 2 Rutland Square, Barkestone-Le Vale.</p> <p>Cllr Holmes declared a personal interest in application 14/00808/OUT – Field No 3968, Melton Spinney Road, Thorpe Arnold and noted that she had been advised by officers that she did not have to declare an interest as she had no input with the local plan and could take part in the decision. She felt unable to due to emails she had received.</p> <p>Cllr Posnett declared a personal and pecuniary interest in applications 14/00808/OUT - Field No 3968, Melton Spinney Road, Thorpe Arnold and 17/1019/FUL - Gates Nurseries And Garden Centre, Somerby Road, Cold Overton</p> <p>Cllr Glancy declared a bias regarding 14/00808/OUT - Field No 3968, Melton Spinney Road, Thorpe Arnold. She noted that she was also ward Cllr for this application and would like to address the committee members prior to leaving the room for the duration of the application hearing.</p>
PL76	<p>Schedule of Applications</p>
PL76.1	<p>17/00997/OUT - Report Withdrawn From Agenda Applicant: Hazelton Homes and Mark Curtis Bennett</p> <p>Location: Field OS 3300, Oakham Road, Somerby</p>

Proposal: Residential development for up to 31no dwellings (re-submission of 16/00100/OUT)

- (a) The Head of Strategic Planning and Regulatory Services stated that the application had been withdrawn from this committee due to further information still arriving which needed to be publicised and considered.

Cllr Holmes and Cllr Posnett left the meeting at 6.10pm due their interest in application 14/00808/OUT.

PL76.2 **14/00808/OUT**

Applicant: Taylor Wimpey UK Ltd

Location: Field No 3968, Melton Spinney Road, Thorpe Arnold

Proposal: Residential development for up to 200 dwellings including means of access, open space and associated development

The Chair explained that Cllr Glancy would be present for the Officers report and then make her statement before leaving.

- (a) The Head of Strategic Planning and Regulatory Services stated that: Long standing application raising many issues.
The application proposes 200 dwellings and the following are the key issues,
- Level of affordable housing: proposes 10% affordable housing, of which 25% would be bungalows –note narrative explaining viability appraisal and gov. policy on this subject.
 - the Local Plan and the NPPF – site is part of the North SUE and is contributing some parts in accordance with emerging policy
 - Transport issues: Highway safety, traffic impact and public transport – highways satisfied with the impacts subject to a series of mitigations secured by conditions and s106, including of course the contribution to the MMDR. Highways have also looked at the detailed issues raised by residents (e.g. the pinch point, twin lakes traffic etc.) and consider the application acceptable
 - Impact upon residential amenities – site is in outline and whilst an approach has been suggested, this is not fixed. However the site is large and there are no doubts an acceptable scheme can be developed. Members are invited to specify any essentials to achieve this in the conditions.
 - Infrastructure and facilities: A contribution to schools police, libraries and waste in order to maintain capacity.
 - Ecology – no issues , the conditions requested can be accommodated
 - Proximity to, and effect upon, Melton country park – again a scheme is presented but is indicative. Members are also invited to specify

their minimum requirements having heard the comments

Further comments on the adequacy of the contribution and the prospects should the MMDR funding bid not be successful. The response is as follows;

- HA believe inclusion in the wider solution (MMDR) better than bespoke measures for the app in isolation.
- off-site measures would likely have resulted in a situation where no single development would be able to proceed, or simply accept residual severe impacts.
- A contributions-based approach could result in shorter-term impacts prior to the delivery of mitigation measures, in accordance with LCC Cabinet's resolution in September 2015
- It is correct to identify that there could potentially be a shortfall in developer contributions towards the MMDR if the £8,653 per dwelling rate is applied to all sites throughout the Melton North Sustainable Neighbourhood;
- However The MMDR bid includes the northern section of the MMDR, and takes account of the £8,653 per-dwelling from developers
- Should the bid prove unsuccessful there will be further opportunities to obtain public funding and that the scheme will be very well placed to take advantage of these, given the strength of the case
- In the (highly unlikely) event that no public funding is secured specific segments of the road would be built in parallel with development parcels with specific trigger points as appropriate.
- this would still result in the northern section of MMDR being delivered, albeit over a longer period than if the Highway Authority does receive public funding.
- developers would be able to deliver 'their' sections of the distributor road at significantly lower cost
- The £8,653 per-dwelling figure is based on the strategic highway contribution agreed through the Leicester Road S106 Agreement. Given the above and the lack of substantive evidence to support an alternative per-dwelling figure in relation to this site, the CHA considers that this figure continues to form the most appropriate basis for the contribution.
- when additional evidence and more robust forecasts for growth and infrastructure requirements become available, please be assured that LCC will work together with MBC in reconsidering the contributions structure applied for future planning applications. However, until such time that evidence is available, we continue to advise that a contribution of £8,653 per dwelling is sought.

Cllr Glancy, Ward Councillor for Melton Newport Ward, was invited to make her announcement and stated that: As a ward Councillor representing the residents of Newport Ward I want the best possible development and the least impact for the whole town and borough. In some respects this development goes some way towards this objective with the improved design and layout including buffer zones

for the Country Park I have managed to negotiate although I would like to see a much wider buffer for the Country Park to align more with the Local Plan and a limit to NO 2 and half story or 3 story homes on this land, towering over the landscape surrounding the park. BUT we still have the problem of no decision on access into the Country Park and despite what the officer indicated at the site visit – no access has been agreed. Communities and Social Affairs Committee noted the request for access but have reserved the final decision until such time as a full ecological study of the Country Park has been undertaken Cllr Son Lumley will no doubt cover more on this later.

There is the major problem of the severe traffic impact on Thorpe Road/Saxby Rd, Norman Way/Scalford Rd and Norman Way/Wilton Rd junctions as identified by Highways in their comments dated March 2017 which I hope you have all read and further note that until such time as the Melton Mowbray Distributor Road is provided the impact of this development is considered to be severe the proposals being contrary to paragraph 14 of the NPPF the impact significantly and demonstrably outweighing the benefits. Highways suggest implementing SCOOT 3 system to coordinate the operation of the traffic signals at these junctions which will positively reduce the impact but acknowledges that the impact will not go below severe. As a borough Councillor I cannot bury my head in the sand and keep my fingers crossed that our bid for DfT funding is successful and everything will be OK, I would like to think it would be but in reality it is unknown. We cannot subject the town to intolerable traffic congestion which will deter new employers.

YES this land is in the Local Plan as part of the Northern SUE but we have projected the Sustainable Neighbourhoods to come on line late 5th year onwards and no doubt then we will have a clearer picture regarding the DfT funding by then. I wonder why Taylor Wimpey have gone it alone on this land at a time when the Local Plan is currently being examined.

I understand Mr Worley has sought further comments from Highways, which we have just heard. However this afternoon at the Local Plan Examination Andy Yeomanson from Highways responded when questioned about the MM Transport Strategy by a developer 'they could have taken a more rigid approach, there are still details regarding timing and trigger points to be worked out but thought it best to have contributions which may or may not be the best way forward – worrying.

I have concluded in order to avoid a mistake that we cannot rectify there are 3 possible solutions:-

- 1) refuse the application on the grounds of the severe impact on the safe and efficient operation of the highway network until such time as funding from DfT is confirmed for the MMDR or
- 2) defer this application on the grounds of seeking further confirmation of the DfT funding, after all we should know in about 12 weeks or so BUT
- 3) should you be mindful to approve I would ask you to include a review of the developer contribution in the Highways contribution condition should DfT funding not be forthcoming to enable a recalculation if necessary PLUS a condition to limit the development to 1 and 2 story homes due to the topography of the land

Can I also ask that officers liaise with the ward councillors regarding design and layout should this application be approved tonight.

Cllr Glancy left the meeting at 6.29pm.

The Chair noted a request to permit 3 objectors to speak regarding this application and asked if Members would consider suspending standing orders to allow this.

Cllr Chandler proposed to permit 3 objectors to speak and Cllr Wyatt seconded the proposal. A vote was taken and the Members voted unanimously to allow the proposal.

(b) Jane Wilson (The Friends of the Melton Country Park), on behalf of the objectors, was invited to speak and stated that: they support the need for new homes but object to this proposal in its current form. Concerns regarding:

- Ecology and wildlife. Protected species of birds.
- Adverse affect on biodiversity.
- Does not contribute to and enhance the area.
- 1200 park users signed the petition against.
- Size of buffer zones.
- Height of dwellings on raised ground. Will tower over the park.
- Will change from a country park to a town park.

A Member asked why yellow hammer birds at been declared as rare in the country park when they are a common bird.

Jane Wilson responded that it was due to data collected over 20 years regarding the country park.

A Member asked where the highest point of the country park is.

Jane Wilson responded that it is on the north eastern edge of the park.

(c) Craig Heaney (Thorpe Park Residents), on behalf of the objectors, was invited to speak and stated that: they had concerns due to:

- Increased traffic and poor accessibility.
- Severe impact on traffic.
- Reliant upon relief road so this decision is premature.
- Highway safety.
- Multi modal solutions are impractical for residents who travel outside of Melton for work.
- Poor transport links.
- Contravenes NPPF and should be refused.

(d) David Adams, on behalf of the objectors, was invited to speak and stated that: he had concerns due to:

- Road safety.
- Accident at pinch point in December 2017. This has not featured in the

report.

- Floods and proposed alleviation methods/ponds.
- Lack of access for emergency services.

(e) Roger Smith, agent for the applicant and Ellie Smith, the applicant, were invited to speak. Roger Smith stated that:

- The application dates back to 2014.
- Site identified as an urban extension.
- Officers report is comprehensive and well balanced and recommends approval subject to a section 106.
- Issue of traffic is key and the applicant has tried to address that with LCC highways.
- Revised the scheme to address concerns of local residents.
- Requirement to maintain linear open space.
- Pinch points confirmed by highways as adequate.
- Possible access to the country park in the southwestern corner.
- Section 106 to facilitate link to country park or improvements to the park.
- More ecological work to be undertaken.
- Taylor Wimpey will work with Cllrs and residents with regards to reserved matters.

Ellie Smith, the applicant, stated that:

- There are no outstanding technical objections.
- Will conclude section 106 as soon as possible.
- The development will come forward in a timely manner with a show home proposed for completion by September 2019.
- Sustainable neighbourhood.
- £1.7 million for highway improvements.
- £750,000 for transport links.
- There will be bungalows on site.
- Contributions towards Secondary education.
- Will generate 860 jobs including graduates and trainees.
- Subject to signing of the section 106 agreement.

A Member asked when the development would be completed.

Ellie Smith responded that it would be some where in the region of a 5 year timescale and proceeded to explain the first house should be in early 2019.

The Chair advised that The Head of Strategic Planning and Regulatory Services had indicated this as the norm.

(f) Cllr Lumley, Ward Councillor for Melton Newport Ward, was invited to speak and stated that:

- They want the best possible development with the least impact.
- There are outstanding fundamental issues that have not been resolved.
- Concerns regarding the additional access in to the country park which has not been resolved.

- Request for access to the full ecological study.
- Concerned with type of housing which has been earmarked. The gradient of the land and the proposed 2 and 3 storey houses would block views and sunlight.
- The land is unsuitable for town houses and they are short of bungalows.
- The buffer zone between country park and housing developments needs to be bigger.
- This shouldn't have a negative impact on current residents.
- Garages should be big enough for modern vehicles and there should be sufficient parking.
- Ongoing issue with NP4. Increasing problem with developers transferring land to council.
- Concerns regarding the maintenance of the buffer zones.

The Chair reminded Members of condition C item 3. There is to be a masterplan with limits to properties to be no greater than 2 storeys. Layout and planting will contribute to this. Would think the developers would be mindful of the height of the land. We could specify a different buffer zone should we desire.

The Head of Strategic Planning and Regulatory Services addressed concerns regarding buffer zones with regards to wildlife. Drainage will require a fully worked up scheme with conditions as this is an outline application. The proposed new access in to the country park is on MBC property so it is not guaranteed and may never happen. So it is suggested that the application is considered on the basis that this may not come to fruition. The delays with the application are due integrating the highways work with LCC's own data and analysis and the detailed highways analysis. Agreed with the Chairs comments regarding the masterplan.

The Chair advised Members that it would be pointless trying to condition that there is an access to the country park when the applicant does not own the land.

The Head of Strategic Planning and Regulatory Services added that the worst case scenario is that there won't be an access.

A Member expressed their concern over their lack of control of the proposed new access and the increased number of people trying to use the existing accesses.

A Member asked what the average density per head in the town is.

The Head of Strategic Planning and Regulatory Services responded that it is varied. Often urban locations are cited at 40 per hectare and 30 in villages.

Members raised concerns regarding the size of the proposed buffer zones and the maintenance of these.

The Head of Strategic Planning and Regulatory Services advised Members that the buffer zones will be part of the open space of the site, like a playground. The maintenance of them can be conditioned and MBC adoption is one option.

A Member noted that the new dwellings will be paying council tax and felt the council could take the maintenance on.

A Member asked how far it is from the east corner to Twinlakes park.

The Head of Strategic Planning and Regulatory Services responded that it is the approximate length of the field which adjoins tis application site to the north.

Members discussed the corridors around the proposal and the boundaries and suggested that they could be made in to woodland instead of vacant space and become an asset rather than an open border.

Cllr Chandler proposed to permit the application. Houses have to be built and the distributor road will be coming. It is a suitable site and flooding issues will be addressed as the water will flow. There is not enough affordable housing but they are paying £1.7 million towards the road.

Cllr Wyatt seconded the proposal.

A Member asked it the proposer and seconder would consider adding a condition regarding the size of the buffer zones.

Cllr Chandler agreed as long as it was also conditioned who would maintain them.

Cllr Wyatt felt that the proposed buffer zones were adequate.

A Member suggested that a measurement should be agreed.

The Chair suggested that the buffer zones could be increased to 30 metres on the southern side and 50 metres on the western side. Details of the planting could be left to officers and involve the ward Cllrs and the friends of the country park, as per the recommendation. The buffer zones could be an extension of the country park.

Cllr Chandler, the proposer, agreed to the suggestions.

Cllr Wyatt, the seconder, noted that he was more inclined to 20 metres however he would accept the additions to the proposal to permit.

A Member wished clarify what would happen to northern boundary.

The Chair responded that this is on to an open field. If it became housing in the future then that would be due to another application.

Members discussed if the size of the proposed buffer zone conditions was reasonable.

The Head of Strategic Planning and Regulatory Services advised that it is a matter of judgement but that he felt they are reasonable.

A Member raised a concern regarding policy H11 and the access to the country park.

The Head of Strategic Planning and Regulatory Services advised that an application of this scale will come back to Committee for reserved matters.

A Member raised concerns regarding pedestrian safety (condition 3) and asked if there could be a barrier at the pinch point to stop vehicles mounting the pavement, and if this could be added a condition by the proposer and seconder.

The Chair asked if this could be part of reserved matters or if it had to be conditioned at this stage.

The Head of Strategic Planning and Regulatory Services noted that if Members think it is essential to the success of the application then it should be done at this stage.

Cllr Chandler, the proposer, agreed to add this condition and also asked officers to ask highways to advise on any further safety measures that could be taken.

Cllr Wyatt, the seconder, agreed.

A Vote was taken. The Members present voted unanimously to permit.

Determination:

(i) PERMIT, subject to:

- **Completion of a s106 in the terms set out in the report**
- **The conditions as set out in the report, with condition 3 (i) and (ii) specified as 50m and 30m respectively;**
- **An additional condition requiring safety measures on the new footpath link at the point where it meets the existing footpath on Melton Spinney Rd, subject to agreement by the Highways Authority;**

(ii) the precise wording of conditions delegated to the Head of Strategic Planning and Regulatory Services in consultation with the Ward Members:
REASONS: The Borough is deficient in terms of housing delivery and this would be partly addressed by the application. Affordable housing provision remains one of the Council's key priorities. This application presents some affordable housing that helps to meet identified local needs. It is proposed at a level lower (10%) than that required to meet identified needs and specified in emerging policy, however it is justified in terms of a detailed Viability exercise and expectations conveyed by NPPG. This is directly associated with the contributions the development proposes to make to infrastructure, and to the MMDR, public transport and education capacity in particular. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. The site is considered to be a sustainable location having access to employment, services, public

transport etc. in Melton Mowbray town centre and some closer. Its sustainability could be enhanced further if a connection is made into the Country Park and provision has been made to facilitate this within the proposed s106. However, even without this it is considered to perform well, and compares favourably to most other development (existing and proposed). It is considered that there are material considerations that weigh in favour of the application.

There are also benefits arising from the proposed highways improvements and, significantly, the substantial contribution towards the MMDR and progress towards this key infrastructure. There is a strong prospect – though not a guarantee – that the MMDR could be in place prior to the development being completed. The application derives support from the emerging Local Plan owing to its adherence to their content.

It is considered that balanced against the positive elements are the site specific concerns raised in representations. There is a lengthy range of issues that require careful attention and many can be mitigated, or eliminated altogether, by conditions and the content of the s106 For example flooding and drainage, various transport measures, residential amenity issues etc. Though capable of mitigation, it is considered that the impact on the Country Park remains a harmful consequence which needs to be weighed against the benefits. Also, though again mitigated to a satisfactory level, the impact on highways conditions until such time as the MMTS solution is effective (if applicable)..

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 affordable housing and contribution to key infrastructure in particular.

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.

Cllrs Holmes, Glancy and Posnett returned to the meeting at 7.38pm

PL76.3

17/001234/OUT

Applicant: Davidsons Developments Ltd

Location: Land off Sand Pit Lane, Long Clawson

Proposal: Residential development of up to 55 dwellings, together with new areas of public open space ,access, landscaping and drainage infrastructure

(a) The Head of Strategic Planning and Regulatory Services stated that:

This is a duplicate application to that considered on 4th December 2017.

- Issues are the same and representations very similar
- However one notable difference is the position of the LLFA who are seeking

additional information regarding the impact on the adjacent pond. This is a 'holding objection' but given more fundamental issues we believe it is acceptable to proceed without resolution.

- Finally the recommendation – and Members will not this is based only on the content of the NP so only fair to point out it does not replicate the Committee's full findings from 4th December – the heritage reason. This is recited in full on page 1 for reference

We have received a request to defer from the applicant:

Following the Committee's decision to refuse the original application at its meeting on the 4th December 2017, adding a heritage reason for refusal contrary to officer recommendation, we have been undertaking further work to review the specific concerns of Councillors and have been undertaking further work to deal with the concerns raised. It is our intention to submit this further work in relation to the second application. We are also looking to address the additional points raised by the Lead Local Flood Authority.

Given the above, we are concerned that for the Committee to make a decision on the application before it has had the opportunity to properly consider this additional information would be clearly premature and prejudicial to a proper and considered assessment of the proposals taking account of all relevant information.

Accordingly we would strongly urge you to defer consideration of the application until officers and members have had the opportunity to consider the additional information we will be submitting in due course. I would be grateful if you could consider whether, given the above, the item can be removed from the Agenda ahead of the meeting.

A response has been received from an objector:

- a. The Planning Committee strongly supported refusal of the first Sandpit Lane application both on heritage grounds and because it was contrary to the Clawson, Hose and Harby NP which carries significant weight.
- b. A good case was put on the heritage at the meeting on 4 December and indeed Heritage England has now reinforced its stance in the latest application in its letter of 20 November with particular reference to the Manor Farmhouse fishpond. How can the applicant consider that he can change History and provide additional information on heritage at this stage – they have had over two years to address this.

The Chair proposed deferral of the application.

Cllr Cumbers seconded the proposal.

A vote was taken. 5 Members voted for deferral and 5 Members voted against deferral. There was 1 abstention. The Chair had the casting vote and he voted in favour of deferral.

Determination: DEFER; to allow submission of the material referred to be the

applicant addressing impacts on heritage assets.

PL76.4

17/00397/OUT

Applicant: Mrs Sarah Grey

Location: Land Opposite 1 And 10, Station Lane Old Dalby

Proposal: Residential development of up to 72 dwellings (revised from 80 dwellings), associated infrastructure and landscaping

(a) The Planning Officer (GBA) stated that: The following application relates to an outline application with access off Station Road, Old Dalby for up to 72 dwellings, revised for an initial 80 when originally submitted. Since the publication of the report last week, there have been no updates to report.

On site visit there were queries relating to Pinks which were found to not be a hindrance to the proposal and there are no conditions on the operation of the business units at the industrial estate.

The scheme presents increased housing supply in an area that is adjacent to employment opportunities and public transport links to opportunities nearby.

It is also close to Old Dalby which presents an area with a primary school and forms a rural supporter status in the most recent research into areas in Melton for new housing.

The site is also brownfield which is strongly recommended for development in the recent housing white paper and in national planning policy and guidance.

The scheme is an allocated site within the Dalby neighbourhood plan which further carried weight to in the determination of the application.

It is noted that the site does have land uses that are considered noisy environments. However the scheme has been required to put a fence to mitigate against the impacts of the development of noise along with a robust mitigation scheme that will need to be agreed as part of a subsequent reserved matters application.

The railway test track has conditions on its use also which limits the activity on this during unsociable hours.

Contamination remains to be monitored and cleared by way of a robust scheme which has been controlled by conditions.

Finally, the development is to provide a large expanse of the development area to ecological improvements in the area.

On balance the development is proposed to offer increased housing supply on brownfield land in a reasonably sustainable location.

It is in conformity with the neighbourhood plan and offers ecological improvements with section 106 contributions towards education and other key facilities.

As such weighing up all issues the scheme is recommended for approval as per the report.

(b) Cllr Schmidt, on behalf of Broughton & Old Dalby Parish Council, was invited

to speak and stated that:

- We object to the number of proposed houses, it should be a smaller number.
- Should consider all of the emerging policies. Consider Policy H4
- Concerns regarding density and size.
- Should be more homes suitable for older people and the less mobile.
- Concerns regarding parking spaces. There should be a minimum of 2 parking spaces and more for larger properties.
- The play area should be in more central space and accessible for all .
- Applications submitted for section 106 but these haven't been considered in the report.
-

There was a discussion regarding the minimum and maximum number of houses.

(c) Simon Proffitt, on behalf of the objectors, was invited to speak and stated that:

- The harms outweigh the benefits.
- Main benefit would be to the housing supply target and to clean up the land.
- The housing level for Old Dalby has been exceeded by other permitted application over the last 18 months.
- Not sustainable
- Residents would be in close proximity to an operating industrial estate and rail test line.
- The proposed development is too large, too dense and too close to non residential operations.

Members asked Mr Proffitt if there was a shop and where the nearest Drs surgery is.

Mr Proffitt confirmed that there isn't a shop and that the nearest Drs surgery is Long Clawson which is over subscribed.

(d) Colin Wilkinson, agent on behalf of the applicant, was invited to speak and stated that:

- It is a redevelopment of a contaminated brown field site.
- Already benefited from 15 dwellings on frontage.
- Density of 13 dwellings per hectare.
- Reduce vehicle speeds and protect pedestrian safety.
- The neighbourhood plan identifies this site .
- Preferable to further expansion into greenfields sites.
- Number of houses - at least 42 with no upper limit. Limit of 42 was recommend but without evidence.
- Policy H2.
- Matter of housing design will be dealt with in reserved matters.
- Excellent access to open space.

Members asked if there were sufficient parking spaces per property, if the parking spaces were adjacent or tandem and for clarification of the open space and the density of the dwellings.

Mr Wilkinson responded that it is an outline, indicative layout and that they were proposing 187 parking spaces for 72 units. It is normal to incorporate green spaces in calculations. 80% to be 2 and 3 bedroom houses. It is a development with many smaller houses than you would expect to see.

A Member asked where the play area would be.

Mr Wilkinson explained that there would be a formal area of play to the south and in the north there is a play area in the adjoining development. All houses have good access to the green areas.

A Member noted that there is a train track close to the play area and felt this would be a danger to children.

Mr Wilkinson responded that the boundary with railway line will have a 2 metre high acoustic fence, partly for safety and partly for noise.

A Member asked if the play areas are up to H11 standard and noted that they would like to see it surrounded by housing rather than a car park.

Mr Wilkinson responded that the car park is there to help for users of the play area but concerns can be addressed surrounding this.

The Planning Officer (GBA) noted that the examiner had recommended the minimum of 42 dwellings. The applicant will have to come back with full detail and will endeavour to achieve the best possible design.

A Member asked about the Deptford pinks.

The Planning Officer (GBA) responded that it hasn't arisen as an issue for the site and he understands are on adjacent land.

There was a discussion regarding if this site had been identified in the neighbourhood plan.

The Head of Strategic Planning and Regulatory Services advised that this site isn't in the local plan but that the proposal overlaps with an existing permission for housing which is at the front part.

A Member asked if the 15 dwellings which are already approved are in the totals referred to in the Neighbourhood Plan.

The Head of Strategic Planning and Regulatory Services believed they were.

Members raised concerns regarding the proximity next to an industrial operation and the lack of amenities in Old Dalby.

Cllr Holmes proposed to refuse the application due to lack of amenities, lack of school places, over intensification and concerns regarding safety due to the play area being near to a railway track.

Cllr Chandler seconded the proposal and emphasised her concerns regarding the proximity of an industrial estate.

The Planning Officer (GBA) responded that environmental health and reserved matters will draw out any issues regarding the industrial operations.

The Head of Strategic Planning and Regulatory Services noted that the relationship with the industrial area and railway had been subject to an assessment. It is an outline application with an indicative layout.

Mr Wilkinson said the applicant can make adjustments to address concerns.

The Neighbourhood Plan carries significant weight.

There were further discussions regarding the weight of the Neighbourhood Plan, the possible uplift in the number of houses built, separation distances, if the land could be used for any other purpose than dwellings and the capability of the site.

Cllr Holmes amended her proposal to state over intensification as the reason for refusal. She noted that she would like the applicant to consider moving the play area.

Cllr Chandler, the seconder, agreed to the amendment to the proposal.

A vote was taken. 2 Members voted for refusal and 9 Members voted against refusal.

Cllr Faulkner proposed to permit the application in line with officers recommendations.

Cllr Cumbers seconded the proposal and added that the agent will have taken note of Members concerns.

A vote was taken. 9 Members voted in favour to permit and 2 Members voted against. Cllr Chandler and Cllr Holmes asked that their votes against permit be recorded.

Determination: PERMIT, subject to:

- **Completion of a s106 in the terms set out in the report**
- **The conditions as set out in the report**

REASONS:

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 local market housing needs. Old Dalby is considered to be a reasonably sustainable location where primary education and other services can be assessed. It is considered that there are material considerations of significant weight in favour of the application:-

A significant benefit is that this development is proposed on derelict land which according to the NPPF should be encouraged for new development. This development will enable remediation of this site and provide housing to the Melton Borough.

Further positive benefits of the scheme including a large area safeguarded for its ecological importance, surface water management in the form of a sustainable drainage along with significant developer contributions to mitigate impacts upon local services.

The impacts on potential occupiers have been fully considered in light of advice on noise and contamination. The noise impacts specifically have been deemed satisfactory and recognise that the Network Rail operated test track and nearby business have their own operational restrictions.

Following examination of the Broughton and Dalby Neighbourhood Plan, a modification has proposed that The Site at Station Lane should be allocated for housing if to proceed to referendum. This has been accepted by the PC as part of the Neighbourhood Plan and therefore carries significant weight to approving the site.

Though by no means “optimum”, the site is considered to perform reasonably well in terms of access to facilities and transport links: those in the immediate vicinity and the added benefit of a modest range of additional services in Neither Broughton and Long Clawson nearby. However there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site adjacent to noisy environments and the impact on the character of the rural village with a detachment from the existing built form of the village.

The application derives support from the emerging Neighbourhood Plan owing to its strong adherence to its content. This is considered to weigh significantly in favour of the application.

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 affordable housing in particular. The balancing issues – development of a site close to potentially noisy environments – are considered to be of less environmental

harm than the impact to potential occupiers.

Further improvements through a Reserved Matters application will ensure that the details on design, layout and house type and associated work are achieved to a high standard.

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 should be granted.

PL76.5

17/00507/COU

Applicant: Mr Mike Timson

Location: The John Dory, 2 Rutland Square, Barkestone Le Vale

Proposal: Conversion of former public house/restaurant/living accommodation into two dwellings

(a) The Planning Officer (JL) stated that:

Late Items

Committee members have been provided a copy of a time line produced by the BHG group and an email from the Applicant, both stating the current situation (as they see it) in relation to the offer on the property.

The applicant has stated the following:

Offer was received on 8th Jan, included 160k purchase price and an agreement of an overage clause of up to 100k.

Offer was accepted (and still acceptable) but insufficient proof of funding was provided.

After this the applicant requested a 10k non-refundable deposit, payable to solicitor to give confidence that funds were available.

Upon payment of deposit, applicant was happy to issue heads of terms and issue a 6 month exclusive option to buy and completed purchase. Also agreed to withdraw planning application on receipt of deposit.

This has now been withdrawn from BHG and replaced with a new offer, void of overage agreement, with no offer of non-refundable 10k deposit and no proof of funding. In addition to this, a lease option has also been on offer to the BHG.

Since the previous meeting, there has not been any further progress in relation to the sale or lease of the property. Whilst a sale price has been agreed, there is still an outstanding issue in relation to the proposed overage agreement. This is proposed to be of a monetary value of 100k, to be paid 6 months after the grant of permission for the change of use of the property (other than to use classes A1, A2, A3 and A4).

An ACV was placed on the property on 22nd January, and this can be considered as a material consideration, however it is for the Committee to determine the weight that they give this.

The property has been closed as a public house since October 2016 and for sale in March 2017.

(b) Cllr Steve Jackson, on behalf of Barkestone, Plungar & Redmile Parish

Council, was invited to speak and stated that:

- Residents want to build a better future and it is a strong community.
- The local hub group are trying to raise funds to buy it and residents are putting their own money in.
- On the market at an inflated price.
- Not a genuine attempt to sell as a pub.
- Any efforts to find an agreement have been batted away.
- The vacant building could fall in to disrepair.
- The houses are not needed.

A Member asked if they had had a full survey.

Cllr Jackson confirmed he didn't know the answer.

(c) Mr Steve Exwood (Barkestone Hub Group), on behalf of the objectors, was invited to speak and stated that:

- The group was formed 2 years ago.
- Want to create a sustainable hub using a well tested model.
- Community to buy the building. In a strong position and they can complete.
- Marketed at an inflated rate.
- We have offered to pay substantial deposit. Villagers will financially support.
- Community asset buildings.
- It is an isolated community.
-

Members asked if there would be a profit from this and also if there was going to be a village hall built as well. They understood that there was money towards a village hall in a trust fund.

Mr Exwood responded that they are not seeking to make a profit from this and that the hub would be different to a village hall as it would also be a shop and a pub. The trust has offered to lend us £95,000 toward this venture.

A Member noted that the trust fund was a charity and would be subject to charity law and asked if they had had a survey of the building.

Mr Exwood responded that there are three funding streams and they had offers in writing and that they only needed two of these to go ahead. Offers of investment from the people of the village, the Plunket fund and the trust fund. We've had a valuation of the property and two people have looked at the building for us.

A Member asked for groups expectations on completion.

Mr Exwood replied 4 months.

The Chair advised Members that Meetings are allocated 3 hours and they were approaching 9pm and that a vote would need to be taken to continue beyond this time. The Members present voted unanimously to continue to 9.30pm and then review again at this time.

(d) Matt Timpson, the applicant, was invited to speak and stated that:

- Trying to re-establish the use of a building that has no future.
- Need to deliver more housing.
- Loss of a community is valid but they need to save the building.
- £1¼ million being held for a building for the community.
- Withdrawn due to concerns regarding long term viability.
- Offered to lease the building. No proof of funding.
- Change of use permissions.
- Remove exposure to disrepair.
- 12 month marketing. Viability test document. Not viable as a pub.
- Limited foot print and parking.

There was a discussion regarding the marketing price.

(e) Cllr Rhodes, Ward Councillor for Long Clawson & Stathern, was invited to speak and stated that:

- There is a dispute over the value of the property and its suitability.
- There is a clear wish to have a community facility and this building is the only one available.
- 2 dwellings is over intensification.
- Treat this as a planning application and refuse it.

The Planning Officer (JL) noted that when marketed, lease hold offers were invited. The appeal was dismissed by the inspector as there was insufficient marketing and due to viability . With regards to car parking there is no highway objection. With the application for a conversion it would not significantly increase parking or vehicular movement.

A Member asked for the number of bedroom per dwelling and how many parking spaces.

Mr Timpson responded that one would be a 3 bedroomed cottage and the other a 2 bedroomed flat. There would be one parking space per dwelling.

A Member asked if the hub group would need to put in a change of use application.

The Planning Officer (JL) noted that the drawings show two 2 bed properties. It would become an asset of community value which removes permitted development rights so they would need a change of use application if it were to change from a pub.

Some Members raised concerns regarding parking for residents or visitors to a community hub.

Some Members felt that parking wouldn't be an issue if it were a community hub as local people would walk there.

A Member noted that due to the time the meeting shouldn't continue.

Cllr Posnett proposed to refuse the application due to over intensification and an unsustainable location.

Cllr Glancy seconded the proposal.

A vote was taken. 7 Members voted in favour of refusal and 1 Member voted against refusal. There were 2 abstentions. Cllr Cumbers asked for her vote against refusal to be recorded.

Cllr Holmes left the meeting at 9.22pm.

Cllr Baguley returned to the meeting at 9.22pm.

Determination: REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development is considered to represent the over development of the site. It is considered that the proposed development would be harmful to the character of the village. The proposal is considered contrary to Section 7 of the NPPF 'Requiring Good Design', Policies OS1 and BE1 of the Adopted Melton Local Plan 1999.

2. The proposed development would result in the loss of a valuable community facility for residents of Barkestone Le Vale, to the detriment of the life of the community, contrary to saved Policy CF4 of the Adopted Melton Local Plan 1999, Policy C7 of the draft Melton Local Plan (Submission version) and Paragraphs 28 and 70 of the National Planning Policy Framework.

3. In the opinion of the Local Planning Authority the proposal would, if approved, result in residential development in an unsustainable location. The development in an unsustainable village location where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Para 17 of the NPPF.

Cllr Holmes returned to the meeting at 9.24pm

PL76.6

17/01107/FUL

Applicant: Caister Castle Trust

Location: Old School House, 2A Church Lane, Wymondham

Proposal: Change of Use to form three dwellings including the demolition

of the old canteen area

(a) The Planning Officer (GBA) stated that:

The following application relates to a full application for the change of use of and old school house to three dwellings involving the demolition of the canteen area marked store on the floor plans.

They will be 1 one bedroom property and two three bedroom properties.

This is a re-submission of a previous application reference 13/00574/FUL that was approved in October 2013.

Since the publication of the report last week, there has been an additional representation in support of the proposal from a member of Parochial Church Council of St Peter's Church.

They raise concern over the amount of vehicles park in the road which makes some manoeuvres difficult. It has been considered that the parking might be insufficient therefore for the dwellings proposed.

They are however in favour of the demolition of the buildings which are an eyesore and re-development of the site for private housing.

The scheme presents new dwellings in a sustainable village that will re-use a redundant building for two dwellings that meet local need.

They have been seen to suit highway access and parking standards.

It is noted that there is concern about the proximity of this development to the village hall bit it would still be able to function and is still subject to conforming to Environmental Health Guidelines. Any new development occupiers will also be aware of the nearby land uses.

It is considered to be speculative whether events would be held which in turn may generate complaints from new residents. This in turn would be the subject of further assessment under Environmental pollution legislation to determine if they are a statutory Nuisance based on volume , frequency and the nature of noise, and only could restrictions be imposed. There is further doubt as to whether any such restrictions would impact on the operation of the Village Hall and affect its bookings. It is therefore considered that, whilst the concern is recognised, there are so many 'variables' involved that it is far from 'sound', 'clear cut' or supported by firm evidence and as such would not form a legitimate reasons for refusal.

On the balance of all the issues therefore and that this represents a re-submission of a previous scheme it is recommended for approval as per the report.

(b) Matthew Williams, on behalf of Wymondham & Edmondthorpe Parish Council, was invited to speak and stated that: they have concerns regarding

- T1 cumulative impact on traffic flows.

- Inadequate parking.
- Building design.
- Should minimise impact on general amenity.
- Exit on to a narrow cul de sac. No off road parking.
- Density – existing building just matches the footprint.
- Contravenes neighbourhood plan.
- Noise measures.

The Chair announced that it was 9.30pm and time to review whether Members wished to continue. He proposed to proceed to finish the agenda. A vote was taken and 7 Members voted to continue.

Cllr Baguley noted she would abstain from the vote and raised concerns regarding Members and Officers continuing.

Cllr Cumbers and Cllr Chandler also raised concerns.

(c) Jenny Weston (Wymondham Village Hall Committee), on behalf of the objectors, was invited to speak and stated that:

- Concerns with proximity of properties to village hall.
- Potential for noise complaints, hall used regularly including in the evening.
- understand proposed changes to national policy re noise from existing uses.
- Only village hall in Wymondham for these types of events.
- Noise complaints could have impact on viability.
- Concerns of parking – 2 spaces per dwelling proposed, could be more vehicles. 7 vehicles belonging to existing Church Lane residents. More when services at Church or village hall.
- Highway safety concerns. Lane is narrow – concerns over access.
- 3 dwellings are too many, 2 more than adequate.

A Member asked if there had been any noise complaints previously.

Jenny Watson responded that there had not.

(d) Adam Murray, agent for the applicant, was invited to speak and stated that:

- 3 new homes, conversion of old school house, identified in local plan as sustainable.
- Would support local facilities.
- 2013 permission granted. Resubmission of previous proposal.
- Attractive, high quality development.
- Character, scale, massing and density considered.
- Bolster underutilised dwelling and provide different size dwellings.
- No technical reasons for refusal or objections.
- Parking – revised from original version. County Highways satisfied with scheme now.
- Consistently outlined willingness to submit noise assessment, willing to

accept a condition relating to this.

(e) Cllr Malise Graham, Ward Cllr for Wymondham, was invited to speak and stated that:

- Village hall is the hub of the village and much used.
- Would like officers to take up the applicants willingness to take up noise testing.
- Church Lane incredibly narrow and the cul de sac has minimum turning points.
- Insufficient parking for 3 dwellings.
- Would welcome the committee to consider limiting to 2 dwellings.
-

A Member asked what the neighbourhood plans requirements were for number of parking spaces per dwelling.

Cllr Graham replied that the neighbourhood plan has a minimum requirement for 2 parking spaces per dwelling.

A Member expressed concerns regarding access for emergency vehicles and asked if there have been problems before.

Cllr Graham responded that he is not a resident but can foresee problems. It is hard to get to the village hall and turn around after. Larger vehicles would have problems.

The Planning Officer (GBA) advised that the parking was to highway standards. Mitigation - a condition is imposed regarding noise. The village hall does have restrictions on hours.

A Member raised concerns regarding possible noise complaints.

The Chair responded that it is feasible that people would complain, however there is a process and there are already some restrictions regarding noise and times.

The Head of Strategic Planning and Regulatory Services confirmed that it is a possibility but is a concern for officers as reasons for refusal need to be based on demonstrable grounds and his scenario contains a series of unpredictable variables.

Cllr chandler proposed to permit the application but wanted to see mitigation in conditions that new properties have treble glazing.

Cllr Wyatt seconded the proposal.

A Member expressed concerns that it is over intensification of the site. The original permission has lapsed and we should go back to square one.

A Member expressed concerns regarding parking spaces and Condition no 9

regarding noise and asked if it could be assessed.

The Head of Strategic Planning and Regulatory Services noted that the noise check could be undertaken by environmental health.

Members expressed further concerns regarding parking and the length of time lapsed since planning permission was given.

Cllr Chandler withdrew her proposal to permit.

Cllr Wyatt proposed to permit the application and **Cllr Greenow seconded** the proposal.

A vote was taken. 4 Members voted in favour to permit and 6 Members voted against. There was 1 abstention.

Cllr Holmes proposed to refuse the application due to it being a narrow road, the highway dangers, insufficient parking and over intensification of the site.

Cllr Faulkner seconded the proposal and added that it also goes against neighbourhood plan.

A vote was taken. 6 Members voted in favour of refusal and 2 Members voted against. There were 3 abstentions.

Determination: REFUSE, for the following reasons:

The proposed development by virtue of the overdeveloped nature of the proposal fails to provide a sufficient amount of private parking for the number of dwellings proposed and this therefore would be likely encourage the parking of vehicles on the public highway which already experiences a high level of on-street parking, and would be a source of severe danger and inconvenience to other users of the highway. This is contrary to Policy H7 of the Wymondham and Edmondthorpe Neighbourhood Plan adopted in (November 2017)

Cllr Holmes left the meeting at 10pm and did not return.

PL76.7

17/01375/FUL

Applicant: Ms Charlotte Burrows

Location: 9 Station Road, Bottesford

Proposal: Erection of one 1.5 storey 3-bedroom dwelling house

(a) The Planning Officer (JL) stated that:

The has been one late representation in support of the application has been received – village needs property of this quality and would rather see this sort of development than any large housing proposal.

The application seeks permission to construct a 1 ½ storey property with three bedrooms. The proposal would provide off street parking for two cars. There is currently an application for the proposed remodelling and minor extension to the existing property at no 9, which has yet to be determined. The application site is not within a conservation area and is in flood zone 1

Cllr Chandler proposed to permit the application as it fits in to all policies. However she commented that she has concerns regarding the size of the property, the lack of bus service, the foot path, parking and manoeuvring on to Station Road. Received complaints regarding the amount of traffic.

The Chair asked if there was deemed to be a turning area for the parking. The Planning Officer (JL) responded that there wasn't.

Cllr Wyatt seconded the proposal.

A Member raised concerns regarding the lack of parking for an application for a bungalow.

The Chair reminded Members that is a separate application to come before the Committee which may or may not meet their requirements but they can't pre-empt what may come.

The Planning Officer (JL) advised that the bungalow is an application to the north which is due for decision. There is a garage for the proposed property but that is not where this dwelling is located.

The Chair asked if it could be brought to committee.

A Member commented that they had not received anything regarding the pending application.

A vote was taken by Members still present and was unanimous.

Determination: PERMIT, subject to the conditions set out in the report

REASON: The site lies within Bottesford and close to the train station and has a regular bus service. Although the proposed design of the dwelling is modern, there is no strong character to the dwellings along Station Road. The proposed materials (white render and slate tiles) are considered acceptable for this design and location, these materials are seen on other nearby properties. Taking into account the height of the dwelling compared to neighbouring properties and the lack of first floor windows to the rear, is not considered that the proposed dwelling would have an impact on the amenity of neighbouring occupiers harmful to such a degree to warrant the refusal of the application. Therefore it is considered that the proposed development benefits from a presumption in favour of sustainable development under the Saved Local Plan Policies and the NPPF.

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

(a) The Applications and Advice Manager (LP) stated that: There are updates to the report, firstly the revised developer contributions have been received from the County Council, no request has been made towards civic amenity or libraries, however a secondary school contribution of £29,853.20 is now required should permission be granted, therefore if members are minded to approve the application there would need to be a condition requesting the monies through the agreement of a Section 106 obligation.

Secondly, additional details have been sought from the agent following member's questions at committee briefing, and the agent has confirmed that the gables could be Granite set, should members approve the proposal.

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

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.

The proposal does sit within the Conservation area of Melton and many of the buildings contribute significantly to the character and appearance of the conservation area.

As such the application is recommended for approval as set out in the report.

A Member asked if it is a conservation area and it was confirmed that it is.

A Member asked if the cobbles would be made of granite and if not would like it conditioned that they are.

A Member disagreed and felt that cobbles are awful for walking on and difficult for wheelchairs and prams to navigate. If cobbles have to be incorporated then recovered ones could be used decoratively. Also concerns regarding the narrow entrance.

A Member raised concerns regarding access for the fire service and asked if they had been consulted.

The Applications and Advice Manager (LP) confirmed that the fire service is not a statutory consultee and not been contacted.

The Head of Strategic Planning and Regulatory Services commented that this is overcome by the length of hoses.

Cllr Greenow proposed to permit the application subject to a condition regarding granite cobbles and provision for a section 106 for secondary school contributions.

Cllr Botterill seconded the proposal.

A Member raised concerns regarding the access point, over intensification of the site and lack of parking spaces.

The Head of Strategic Planning and Regulatory Services advised that there is no requirement for parking spaces due to its location in a town centre but 19 spaces had been provided.

A Member noted that there needs to be a proper flat footpath access as well as the cobbles.

Cllr Greenow, the proposer, agreed to amend his condition regarding cobbles to also include a suitable pedestrian access.

Cllr Botterill, the seconder, agreed.

A vote was taken. 8 Members voted to permit and 2 Members voted against.

Determination: PERMIT, subject to:

(i) The completion of a s106 agreement securing a secondary school contribution of £29,853.20

(ii) Conditions, as set out in the report

(iii) an additional condition requiring the submission of access details to include granite cobbles and a pedestrian access

Cllr Posnett left the meeting at 10.20pm due to her declaration of interest.

PL76.9

17/01019/FUL

Applicant: Mr Nigel Gates

Location: Gates Nurseries And Garden Centre, Somerby Road, Cold Overton

Proposal: Proposed Retail Unit with Offices above

(a) The Applications and Advice Manager (LP) stated that: There are updates to the report, since the report has been published, two additional comments have been received one letter supporting the application, stating that a real farm shop within working distance of the many elderly residents in Cold Overton will be a big positive. The ability to source bread, milk and local produce without having to drive to Oakham will be significant for many residents. Whilst I am aware of the beeping referred to by others, this is the same for every other delivery van and oil tanker that service the houses in the village and operations cease at around 5.30pm daily. In addition a further objection has been received stating that the proposal will

increase traffic leading to erosion of the local tranquillity and posing a risk to young children living at the property, increased fork lift truck activity with intrusive noise which is present from 7:30am to 7pm the extension will result in more noise which prevents using the garden on weekends to its intrusive nature. Also the two storey building will affect the view from the back of the house by projecting above the natural horizon and will be overlooking the back of the house. Flood lights are often left on around the property this has two effects of causing light pollution at night but also affects night time driving by mimicking on-coming car headlights and affecting visibility due to "dazzle" effect. The new property will presumably also have floodlights. These factors will affect the natural beauty of the area, increase the risk to pedestrian traffic and reduce the value of properties.

Both of these letters raise points that have been addressed within the committee report.

The agent has also contacted me with regards to condition 7 of the report stating that the condition would undermine the viability of the shop because there will be a lack of variety of products available within the arbitrary catchment imposed. As stated in the application documents, it is the intention of the applicant to sell locally sourced meat, food and drink products, but he has to look beyond a 25 mile radius to obtain the range of products necessary to satisfy his customer demands. Furthermore the applicant requires the ability to change the stock in response to changing markets. Continually seeking written agreement on updated produce lists to sell is not a reasonable or viable option.

Should members resolve to approve the application they should consider the existing wording of condition 7 and amend should they wish.

That is the end of the updates.

The application seeks permission for the introduction of a new retail unit with offices above, the ground floor would be used for the retailing of locally sourced meats, food products and drinks, the first floor would be used for office accommodation of new administrative staff.

The proposal is considered to represent a departure from the local plan policies in that it cannot be described as small scale however supporting economic growth is in accordance with national planning policy (NPPF) and not other material considerations indicate it should depart from this.

As such the application is recommended for approval as set out in the report

(b) Cllr Richard Bates, on behalf of Knossington & Cold Overton Parish Council, was invited to speak and stated that: he had concerns regarding the following –

- Adequate screening
- Closure of the former exit gateway
- Measures undertaken to not increase the noise of forklifts as forklift truck noise is not a new issue. Since first raised with MBC in 2011, there has been a major expansion.
- Depends on location of houses and what barrier they have. Neighbour who is protected by the church wall is not affected.
- Noise can be heard as far away as Knossington when carried on the wind.
- Request forklift truck use be restricted to week days only and only until 12pm.

A Member asked for clarification regarding the mentioned gateway.

Cllr Bates responded that it was the previous gateway but has now superseded. It was part of a previous approval.

A Member noted that it is the law for forklift to have a warning noise on them for health and safety reasons.

Cllr Bates responded that the noise penetrates through the church walls and that use should be restricted.

(c) Mrs Aruna Garcea, on behalf of the objectors, was invited to speak and stated that:

- Lives directly opposite the nursery.
- Whole of our back garden will be facing the development. Only 2 or 3 car lengths away.
- Loss of privacy.
- Noise affects how we use our garden and it can also be difficult in the kitchen.
- Unable to work from home due to noise.
- Noise starts from 7.30am in the morning.
- Also can hear business traffic, such as JCB's turning.
- Concerned there will be increased traffic due to deliveries of perishable goods.
- Impacting on our ability to use our house and ability to work from home.

A Member asked if they had approached Gates directly.

Mrs Garcea responded that they had not contacted them directly but had been trying to collate objective data and had tried to record the noise. We were hoping things would change.

(d) Mr J Smith, on behalf of the supporters, was invited to speak and stated that:

- Resident of Cold Overton for 4 years. Almost as close to Gates as previous speaker.
- Gates is our only village amenity.
- Gates are supportive of the village fete.
- Addition of a retail store selling food products would be ideal.
- Doubt traffic increase will be enough to cause problems as people will most likely be visiting anyway.
- Admit there is a noise issue but the proposal will create a large physical structure and is likely to obstruct the noise more.

A Member noted that a bund could help reduce noise.

(e) Maurice Fairhurst, agent for the applicant, was invited to speak and stated that:

- The proposal benefits the village and wider borough.

- Popular rural business, employing over 100 people.
- Important contribution to local rural economy.
- Attraction for local people and visitors.
- No significant adverse impacts on the village. The benefits outweigh the harm.
- Improved office space on the first floor of the building.
- Greater economic benefits - Increase in business efficiency. Enhance security of jobs and create 9 new jobs.
- Outlet for local farmers and food/drink producers.
- Proposing to close the existing exit road.
- Environmental benefits - Evergreen landscaping and heavy tree/shrub screen.
- Existing site contours and degree of cut will allow building floor level to be below carriageway, ridge will be below existing building next to proposal.
- No objections from consultees or highways.
- In accordance with policy regarding economic development to ensure viability of existing rural businesses.

A Member asked why the existing exit had not been closed off when it is a condition of an existing approval.

Mr Fairhurst responded that it had not been completed because the programme of doing so would not align with other permissions allowed. It is firmly within the applicants intentions and they will accept a condition to ensure it is done early.

A Member asked if the applicants were aware of the residents noise concerns.

Mr Fairhurst responded that it could be looked in to. Siting of the building has been considered but would be difficult to change. Due to its position it will act as a barrier to noise. The noise had been investigated by an environmental health officer, who at the time felt that the noise impact was not a statutory nuisance and did not recommend any further action. Environmental health could look at it again. Concerns will be taken back to the applicant and they will do all they can to rectify the issues.

Members asked for the figures regarding increased vehicle movements and deliveries.

Mr Fairhurst was unable to provide exact figures but confirmed that there would be no deliveries through the night.

A Member asked if the applicant would be looking to remove condition 7 should Members decide to permit.

Mr Fairhurst confirmed they would prefer complete removal but would consider an alternative.

(f) Cllr Higgins, Ward Councillor for Somerby, was invited to speak and stated that: Cllr Higgins was unable to attend the meeting but had asked the Chair to read out the following statement:

Gates' Garden Centre is the largest employer in the Somerby Ward and a significant employer and retailer within the Borough. The business currently employs over 114 people, being 71 Full Time Equivalent staff and has a payroll of nearly £1.4m. This application I feel speaks for itself but I do have a concern over condition seven which I would like you to consider very carefully of putting any overbearing conditions on the business as it needs to be proportionate. I have not been advised why such condition is warranted and I request the officer provide this guidance, and any necessary amendment to that condition which may be seen fit, to you tonight.

I have not been made aware or noticed any overspill of customer cars parked on the highway as the current car park seems to accommodate the level of customer adequately.

While, to date, there are two objections to the application who raise concerns of the expansion of the business and excessive noise I feel the officer report provides reasonable guidance, however I will impress on the business those concerns to ensure they are aware of them and, if necessary, take appropriate action. You should consider their concerns, within the planning balance, in your deliberations but that of also the supporting voice for the application from within the village.

*There is also some level of passive support for the business namely due to the number of Ward residents who use the garden centre with its many offerings and there are a good level of Ward residents who are employed by Gates' currently and in the past. There are policies which are there to encourage the growth of rural enterprises and with the Government looking to hand Councils the retention of business rates we should be ensuring support for our local businesses as Government policy is encouraging us to do. While strictly Business Rate Retention is **not** a Planning reason, there are **significant** planning reasons to permit the application due to the economic benefits this scheme is intending to bring to the area.*

Cllr Chandler proposed to permit the application with the condition that all food produce was to be UK produced.

Cllr Botterill seconded the proposal.

A Member suggested that the produce emphasis should be local, then regional and then UK but felt that other countries produce should be allowed.

Another Member agreed with the need to support the British farmers but felt that 20% from anywhere else to allow for more exotic things would be more reasonable.

Cllr Chandler did not wish to amend her proposal.

A Member raised concerns regarding the exit and suggested that this be conditioned.

It was confirmed that this will be dealt with by enforcement.

A Member noted that the applicant could apply for a variation of condition at any time.

A vote was taken. 7 Members voted in favour to permit and 2 Members voted against.

Determination: PERMIT, subject to:

(ii) Conditions, as set out in the report

(iii) the variation of condition 7 that all goods displayed for sale must be of UK origin.

REASON: The proposal is considered to represent a departure from the local plan policies in that it cannot be described as ‘small scale’ however supporting economic growth is in accordance with national planning policy (NPPF) and no other material considerations indicate it should depart from this.

As stated within the recently submitted new Melton Local Plan, Melton Mowbray is England’s “Rural Capital of Food” and whilst Melton’s food and drink specialism provides bespoke opportunities and a degree of local resilience, the proposed retail unit would at ground floor be used for the retailing of locally sourced meats, food products and drinks.

In conclusion it is considered that, on balance of the issues, there are therefore significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of boosting the rural economy. Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits. Taking into account the proposed retail and office unit would be an expansion to the existing business and provided income to support and increase the sale of locally sourced products, it is considered that permission should be approved.

PL77	Urgent Business None
------	--------------------------------

The meeting closed at: 11.04 pm

Chair

This page is intentionally left blank

Advice on Members' Interests

COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

PERSONAL AND NON-PECUNIARY INTERESTS

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

You must state that you have a personal and non-pecuniary interest and the nature of your interest. You may stay, take part and vote in the meeting.

PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.

You may not attend a meeting or stay in the room as either an Observer Councillor or *Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest*.

BIAS

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

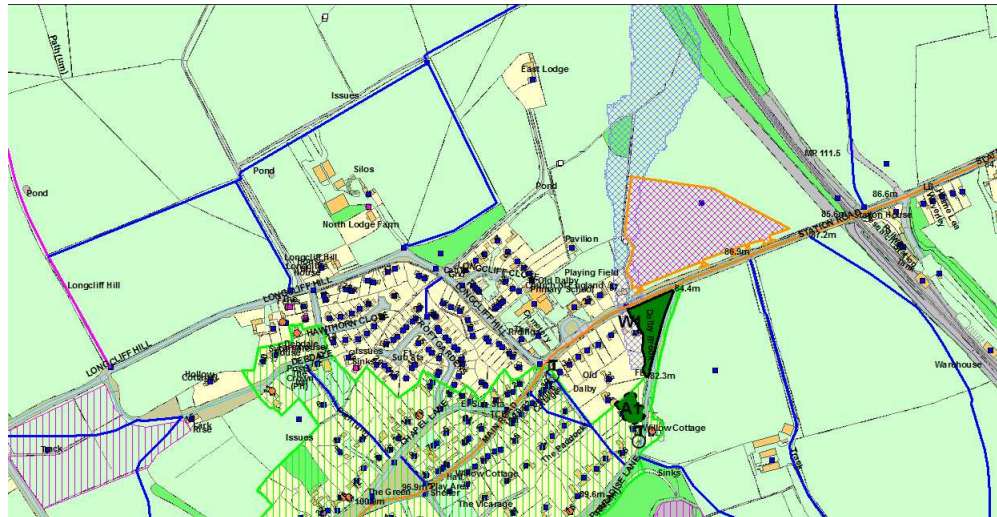
In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

This page is intentionally left blank

COMMITTEE DATE: 20th February 2018

Reference: 17/00671/OUT
Date submitted: 30th May 2017
Applicant: Mr And Mrs William And Jane Grice
Location: Land north of Main Road, Old Dalby
Proposal: Outline application for residential development, car park and open space.



Proposal :-

This is an outline application for a residential development, car park and open space. Access is to be considered at this stage with all other matters reserved. The application states that the development will consist of 7 new dwellings, 3no. 3 bed bungalows and 4no. 4 bed chalet bungalows and a car park area for approximately 20 cars to be used by the playing field and school and public open space.

The application site is located to the east of Old Dalby on the edge of the built up part of the village. Lying to the north of Main Road the site is on the edge of the settlement in the open countryside and outside of the designated Conservation Area. The site currently forms part of a large grass field used for producing silage in connection with a dairy farm. To the west is Dalby Brook and a thick field boundary hedge. Further to the west, beyond the brook, is the edge of the school field, playing field and residential properties fronting Main Road. To the north and east is farmland with the highway to the south and a field hedgerow forming the site boundary.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **The Impact of the Local and Neighbourhood Plans**
- **Principle of development**
- **Impact upon the character of the area**
- **Impact upon residential amenities**
- **Highway Safety**
- **Ecology**

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

History:-

There is no relevant history on the site.

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 – Planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for development essential to the operational requirements of agriculture and forestry, limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside, development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code operator, the change of use of a rural building or affordable housing in accordance with Policy B8. Where such development would lead to the coalescence of existing settlements, planning permission will not be granted.

Policy BE1 - allows for development within the town envelop provided that the form, character and appearance of the settlement are 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 development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and satisfactory access and parking provision can be made available.

Policy H8 – in exceptional circumstances the Council may grant planning permission for development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within the village envelope providing the need has been established by the Council, it can be legally secured, the development would be in keeping with the location, community services are available and other policies can be met within the development plan.

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.

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)

In regard to the specific policy for residential dwellings outside of any settlement the NPPF in paragraph 55 contains guidance directly relating to the construction of dwellings in the open countryside. It advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets, where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or the exceptional quality or innovative nature of the design of the dwelling.

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
Broughton and Old Dalby Parish Council: It was acknowledged that offers of land for public use do not happen often and councillors could envisage that uses for this land to benefit the community may arise in future years. During the early consultation phase of the Neighbourhood Plan there were comments on roadside parking which could be addressed by the carpark to be provided as part of this development. Despite the above considerations councillors voted 3:2 to oppose the application as it was felt that potential	It is acknowledged that the proposal to provide off street parking for the wider community has some merit in terms of highway safety, especially in close proximity to the school. It is also noted the Highway Authority raise no objection on the grounds of highway safety to the proposal, which is discussed in more detail below. However, the benefit to the community and the acceptability on highway safety grounds needs to be balanced with other factors including the

<p>harm outweighed possible benefits. The concerns expressed were that the area has been identified as an Area of Separation in both the Local Plan and the recently submitted Neighbourhood Plan. These areas are deemed necessary to retain the geographical distinction and visual separation between neighbouring settlements. The area is also outside the Limits to Development outlined in the Neighbourhood Plan and as such should be treated as open countryside. The Neighbourhood Plan also identifies this area as containing an important wildlife corridor and the effect on this of any development would need to be mitigated. The PC has had insufficient time to consider in detail the implications of being gifted the car park and community space. Before agreeing to such an undertaking the PC would want to consult the community with regards to their desires for such a space and obtain an indication of full maintenance costings to allow the impact on the precept to be assessed. This application proposes two new entrances on to the Main Road through Old Dalby. Cars often travel through Old Dalby above the speed limit, an issue which is of great concern to many residents. These additional access roads so close to Paradise Lane would result in three points at which cars join and leave the main road as cars approach the village at some speed. This presents a risk to drivers and pedestrians.</p>	<p>principle of housing on this site and the visual impact of built development. The site occupies a countryside location, beyond the built confines of the village and acts as a buffer between other developments. The development of this site for housing is not considered acceptable on visual grounds, developing the rural approach to the village. This is considered to outweigh the benefits of community parking and additional housing provision in this case.</p>
<p>Highway Authority: No objection. Access is the only matter for which approval is being sought. The submitted site plan indicates land is also reserved for a potential future village hall and community facility; however, this is not for determination and has not been considered. The site would be accessed off Main Road, which is a 30mph Class III road. Street lighting is not present in the vicinity of the site access; however, there is an existing footpath leading up to the site access and beyond to the industrial estate. The access shows a width of 5.50m with kerbed radii. While the Highway Authority would usually advise a dropped kerb access, and a width of 4.25m for a development of 5 dwellings, due to the proposals including a car park, the width and a 6m kerbed radii would be accepted on this occasion. Visibility splays have not been indicated on the submitted plan, but the Highway Authority is satisfied appropriate splays can be achieved from the access. The site access is approximately 36 metres from the 30/40mph speed limit change at the village entry signs. The village gateway is enhanced by Dragons Teeth and 30/40mph roundel markings on the carriageway at this point. However, due to the narrowness of existing verges either side of the carriageway the Highway Authority consider that additional speed reducing features proportionate to the size of the development, such as gates,</p>	<p>The application is in outline with only means of access submitted for consideration at this stage. The proposed dwellings would be served via a new access which would be shared by the residential development. The access would provide parking and turning for the residential properties. A separate access is proposed to the south-west of the site to provide car parking spaces for the community parking area, approximately 20 spaces.</p> <p>The Highway Authority has no objection to the application subject to the provision of conditions in respect of the access and visibility splays. It is considered that the development could be designed to meet these requirements and could be controlled via means of conditions if the proposal is deemed acceptable.</p> <p>Overall it is considered that the proposed would not have a detrimental impact on highway safety.</p>

<p>could not be justified. Furthermore there are no recorded Personal Injury Collisions in proximity of the site within the last 5 years. The planning application form details that new public rights of way “are to be provided within or adjacent to the site”. While the internal layout is not for determination at this stage, for clarity, the Highway Authority will not consider the internal road network for adoption. Recommend conditions.</p>	
<p>Leicestershire County Council Ecology: No objection.</p> <p>It appears that the majority of the site is under arable cultivation and is therefore unlikely to be of a significant ecological value. However, there appears to be a stream corridor on the western side of the application site boundary. It is noted that this will be protected by a 5m wide wildlife corridor which we welcome, but the development also appears to include a new footbridge and the removal of an existing one. The plans also suggest that the existing hedgerow bordering the south of the site will be incorporated into plot boundaries. We would recommend that this is retained and buffered from the development, in order to ensure that it is retained long-term. The new planting on the eastern boundary should comprise locally native species. However, given that the watercourse is no longer impacted and there is a 5m buffer in place, alongside the sub-optimal nature of the watercourse to support water vole in this area, no objection to the application.</p> <p>Would also be concerned if any additional lighting is proposed in the vicinity of the stream. If it is, we would request that all lighting plans must be approved. The stream corridor should not be subject to lighting in excess of 1 lux.</p>	<p>Leicestershire County Ecologist has advised their records indicate that Water Vole has been recorded within the vicinity of the site and initially recommended a Water Vole survey be completed prior to the determination of the application. However, following confirmation the stream would be protected by a 5 metre buffer it was concluded the development would not be harmful to the protected species and no objection is now raised to the development. Should permission be forthcoming consideration can be given at the reserved matters stage to the retention of the buffer and hedgerows and to future lighting to protect ecological interests.</p>
<p>Local Lead Flood Authority: No objection.</p> <p>When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.</p> <p>Further to our previous advice advising conditional approval on drainage and flood risk grounds, revisions to the masterplan have been submitted. On review confirm that the proposals do not result in any change to our previous response: The proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority subject to conditions relating to surface water, a surface water management plan, SuDs and infiltration testing.</p>	<p>Comments noted, conditions can be added to any approval to ensure details of drainage are provided prior to the commencement of development. It is considered drainage could be satisfactorily provided on the site.</p>

<p>Newark Trent Valley Internal Drainage Board: No objection.</p> <p>The site is within the TVIDB. There are no Board maintained watercourses in close proximity to this site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.</p>	<p>Comments noted and can be added as an informative.</p>
<p>Severn Trent Water: No objection subject to condition and informative relating to foul and surface water drainage and development near to public sewers.</p>	<p>Comments noted and can be added as an informative.</p>
<p>LCC Rights of Way: There are no recorded rights of way cross the site, pleased to see new paths illustrated on the Proposed Site Plan which will link the site to the village and school, these paths would also link south onto the wider recreational Public Footpath network via Public Footpaths H4 and H3. It is noted the open green space and community parking area will be maintained in the future by the Parish Council, will the paths be included in this maintenance arrangement? As the paths on the site will link into an existing permissive path I am assuming this arrangement will continue.</p>	<p>Comments noted.</p>
<p>Network Rail: Whilst Network Rail has no objections to the proposed development, we would expect that the developer and the council is satisfied that suitable noise protection and mitigation is put in place to ensure that the residents of the new dwellings are not adversely impacted by the noise from the nearby railway line.</p>	<p>The site is within reasonable proximity to the railway line and Environmental Health has been consulted regarding potential noise and disturbance from the railway line to future occupants of the proposed dwellings. A response is awaited.</p>
<p>Environmental Protection: Generally speaking any residential development can be mitigated and made 'acceptable' under the current planning regime; it is just a function of cost. Given the relatively high risk of adversely affecting residential amenity I would suggest the applicant submits a noise assessment at the outline stage. This can then be further refined by a mitigation scheme at reserved matters.</p>	<p>The site lies within relatively close proximity to the railway line which is likely to generate noise which would adversely impact on the residential amenity of future occupants of the proposed dwellings. It is considered this could be mitigated against effectively to ensure a satisfactory level of amenity to future occupiers. However, a noise assessment has not been requested at this stage as the application is recommended for refusal on visual grounds. Should permission be granted a noise survey to include mitigation measures would be required.</p>

Section 106 contributions

Education

Primary School

The site falls within the catchment area of Old Dalby C of E Primary School. **The School has a net capacity of 147 and 166 pupils are projected on the roll should this development proceed;** a deficit of 19 pupil places (of which 17 are existing and 2 are created by this development). There are currently no pupil places at this school being funded from S106 agreements for other developments in the area.

There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £14,518.81. Based on the table above, this is calculated the number of deficit places created by the development (1.2) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals **£14,518.81**.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Old Dalby C of E Primary School or any other school within the locality of the development.

The contribution would be spent within five years of receipt of final payment.

Secondary School

For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.

There are two 11-16 secondary schools in Melton Mowbray; these are The Long Field School and John Ferneley College.

The schools have a total net capacity of 1900 and a total of 1977 pupils projected on roll should this development proceed; a deficit of 77 pupil places. A total of 7 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be deducted. This reduces the total deficit for these schools to 70 (of which 69 are existing and 1 is created by this development). A claim for an education contribution in this sector is therefore justified.

The method of calculating Section 106 education contributions is based on the net capacity of the catchment school and the availability of places at any other primary school within a 2 mile available walking route of the development.

It is considered that the request is proportionate with the proposed development and is considered to be necessary and specific to the increase in pupils the proposal would bring and is therefore considered compliant with CIL Regulation 122.

<p>In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £15,015.98. Based on the table above, this is calculated the number of deficit places created by the development (0.84) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £15,015.98</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Long Field School and John Ferneley College or any other school within the locality of the development.</p> <p>No further education contributions requested.</p> <p><i>Civic Amenities</i></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><i>Libraries</i> No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Melton Mowbray.</p>	<p>Noted.</p> <p>Noted.</p>
--	-----------------------------

Representations:

A Site notice was posted, the application advertised and neighbouring properties consulted. As a result **5 letters of support have been received**, the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> • Car park is needed, will enhance safety dropping and collecting children at school, bungalows for the elderly would release housing for families; • School drop off will be worse with the additional development in the locality; • The spaces would benefit the cricket club, parking is horrendous as a result of the cricket; • The proposal will not harm anyone; • Saddened no village hall included. 	<p>The proposal incorporates parking for community use. Although there is benefit in this part of the application, both to the community and in terms of highway safety through a greater degree of off street parking, this needs to be considered alongside the negative impacts of the proposal which comprises the erection of 7 dwellings on a field adjacent to the village and providing an important rural approach into the settlement.</p> <p>The provision of bungalows is also welcome and the proposal would provide a reasonable mix of housing sizes. However, the site is considered beyond the village boundary with the mature landscaping on the boundary denoting the commencement of the rural</p>

	environment within which the village sits. This visual harm is considered to be significant and outweighs the benefits of the proposal.
--	---

One representation neither supporting nor objecting has been received, the representations are detailed below:

Representation	Assessment of Head of Regulatory Services
The school has a neutral standpoint on the application.	Noted.

43 representations of objection have been received, the representations are detailed below:

Representation:	Assessment of Head of Regulatory Services
<p>Principle of Development</p> <p>The application totally contradicts all the extensive work that has been undertaken in the neighbourhood plan, this application should be deferred until the neighbourhood plan has been finalised as it is so close to completion, this clearly steps over the current building line of the village and steps into an open space. Will exceed the houses needed in the area already with the Six Hills “garden village” so don’t need any more.</p>	<p>Principle of Development</p> <p>The site lies on the edge of Old Dalby on part of a larger agricultural field. When taken from the 1999 Local Plan Village Inset Map the site lies outside the defined village envelope. The site, according to the 1999 Local Plan, lies within the designated open countryside and Policy OS2 is applicable.</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. The Local Planning Authority can demonstrate a 5 year housing land supply and as such the relevant housing policies are applicable; however, the 1999 Melton Local Plan is considered to be out of date and as such, under paragraph 215 of the NPPF can only be given limited weight. In particular, Policy OS2 cannot be used to restrict development beyond the village envelopes where sustainable development is proposed.</p> <p>The application is required to be considered in light of the Local Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth. This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in paragraph 14 which requires harm to be balanced against benefits and refused 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 Neighbourhood Plan is well advanced and is considered to carry significant weight. On this basis, the Neighbourhood Plan and its subsequent recommendation carry substantial weight in assessing this application.</p> <p>The site is beyond the limits of development within the Neighbourhood Plan and Policy S2 generally seeks to resist development in the</p>

	<p>countryside. Policy H1 seeks to limit residential development beyond current commitments; this site is not committed for housing. Policy ENV1 seeks to protect local green space and the front of the site is identified within this policy. Policy ENV7 identifies this site as part of the area of separation between Old Dalby and surrounding settlements.</p> <p>The proposal is therefore contrary to the above policies.</p> <p>The site is adjacent to the village boundary and is connected to the village by a footpath and lies in close proximity to the primary school. The site is on the very edge of the settlement and is well connected to the village. Old Dalby is considered to be a sustainable village and due to the close proximity of the site to facilities within the settlement the site is considered to be sustainable.</p> <p>Policy H8 advises that in exceptional circumstances the Council may grant planning permission for development on the edge of a village which meets a genuine local need for affordable dwellings. The proposal is on the edge of the village but does not present the proposal as affordable dwellings.</p> <p>The proposal includes a car park area for approximately 20 vehicles to be used in conjunction with the playing field and school and public open space. The NPPF supports sustainable development which reflects the community's need and supports health, social and cultural well-being. The offer of land for parking and open space is noted; however, the site would be somewhat detached from the main village as it is on the edge of the settlement and separated by a brook and there has been no justification for the need for such a facility submitted as part of the application. Furthermore, the Parish Council do not support the proposal.</p> <p>A Housing Needs Study was conducted for the Borough by JG Consulting in August 2016. In terms of housing mix (size of homes needed) this states there are a range of factors which will influence demand for different sizes of homes, including demographic changes, future growth in real earnings and households ability to save, economic performance and housing affordability.</p> <p>The analysis linked to long-term (25-year) demographic change concludes that an appropriate mix of affordable and market homes across the Borough (with some small differences suggested between urban and rural areas – particularly in relation to affordable housing) would comprise a focus of new market housing provision on two and</p>
--	---

	<p>three bed properties, continued demand for family housing can be expected from newly forming households, there may also be some demand for medium-sized properties (2 and 3 beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay.</p> <p>The assessment found there remains a surplus of larger family homes, with additional small two and three bedroom properties being particularly required to rebalance the existing stock. New residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs. With regards to the Strategic Housing Market Assessment, there is an identified need for small three bedroom dwellings as there remains a surplus of larger family and executive style housing.</p> <p>This application has been submitted for outline permission for seven dwellings. The size of the proposed dwellings has not been stated on the application form; however, the D & A Statement stated that the dwellings would be bungalows and chalet bungalows comprising 3no. three bed and 4no. 4 bed. The Housing Needs Study for the Borough has indicated that there is a requirement for two and three bedroomed properties. Policy H4 (Housing Mix) of the Neighbourhood Plan states that new housing should provide a mixture of housing types specifically to meet local needs.</p> <p>The provision of 1, 2 and 3 bedrooms and homes suitable for older people including bungalows will be supported. Whilst the four bedroomed properties proposed are not an ideal fit with regards to local housing need they would be bungalows and overall the size of the properties would meet the locally identified housing needs of the Borough. An informative could be included on any permission to inform the applicant of the housing mix that should be submitted at the reserved matters stage if the development is considered acceptable.</p> <p>Old Dalby is considered to be a sustainable location and the site is adjacent to the built form of the settlement and well connected to the village. The proposed dwellings could be designed to meet an identified local housing need and it is acknowledged that the introduction of seven residential units would contribute to housing provision. Therefore, the provision of such housing at this location is considered to be acceptable in principle on land use terms. Although there appears to be limited support for the parking proposal, this part of the scheme has some merit and there are no objections in land use</p>
--	--

<p>Visual Impact</p> <p>This application may only be for 6 houses, this will totally ruin the aesthetics of Old Dalby as the houses encroach to the railway as it clearly won't stop at 6, the area left for a future village hall will end up being built on as the village strongly objects to a new village hall and the open green space, we already have with a village park, a green and the recreation/cricket field.</p> <p>MBC has designated the area as a buffer to separate Old Dalby and Queensway.</p> <p>The proposed development lies adjacent to the NE edge of the Old Dalby Conservation Area. This is important for providing the setting for both a heritage asset and the entrance to the village from the east.</p>	<p>terms. However, consideration must be given to the impact of the proposal on visual and residential amenity and highway safety.</p> <p>Visual Impact</p> <p>The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.</p> <p>Policy OS2 seeks to generally restrict development in the countryside and allows limited small scale development for uses including employment which is not significantly detrimental to the appearance and rural character of the open countryside. Policy BE1 states planning permission will not be granted for new built development unless, amongst other things, the development would harmonise with surroundings, would safeguard residential amenity, provide adequate space around dwellings and provided adequate access and parking is provided.</p> <p>The application proposes the erection of seven dwellings, car park and open space on a site on the edge of the settlement of Old Dalby. The site sits slightly detached from the main part on part of the settlement on part of a large grass field used for producing silage in connection with a dairy farm. To the west is Dalby Brook and a thick field boundary hedge. Further to the west, beyond the brook, is the edge of the school field, playing field and residential properties fronting Main Road. To the north and east is farmland with the highway to the south and a field hedgerow forming the site boundary.</p> <p>The site lies within the open countryside with a mature hedgerow marking the end of the settlement along the western boundary. The introduction of 7 residential units would result in the erosion of the rural character and appearance of the open countryside and in particular be harmful to the rural approach to Old Dalby. The site lies to the east of Old Dalby on Main Road which heads out of the village. Properties on Main Road, to the west of the site, are sited fronting the highway with individual amenity areas. When approaching Old Dalby from the east the entrance is characterized by open fields with hedgerow field boundaries with built development clearly beginning after crossing the Dalby Brook. There are no residential properties between the brook and the railway test track further to the east.</p>
--	--

	<p>The site is a large open field with a tree belt alongside the Dalby Brook which forms the western boundary to the site. This forms a strong rural boundary to the setting of the village which is complemented by the hedgerow with interspersed trees on the southern boundary to Main Road. The tree belt, Dalby Brook and hedgerows all form a strong rural boundary on approach to the settlement.</p> <p>Developing the site with seven properties, car parking and open space would erode the character of the area and setting of the village, bringing development eastwards of the Brook. The brook forms a natural barrier along the eastern edge of the settlement and clearly delineates between the built form and open countryside beyond.</p> <p>The site has also been identified, under Policy ENV7 of the Neighbourhood Plan, as part of a wider area of separation which aims to protect the separateness and distinct character of Nether Broughton, Queensway and Old Dalby.</p> <p>Whilst the application is in outline with layout, scale and appearance reserved for future consideration, an indicative layout/block plan has been submitted which shows the properties to the east of the site with the western edge used for parking and open space as well as a protected wildlife corridor along Dalby Brook. The properties would be sited off a single access road extending northwards into the site. Three properties are shown as fronting Main Road with the remainder sited to the rear.</p> <p>The erection of seven dwellings in this location would introduce a form of development which is not compatible with the character and appearance of the rural setting. Whilst the frontage development could be seen as respecting the linear form of Main Road it would be detached from the main built up settlement by the brook, buffer zone, open space and car park. The development would also encroach northwards introducing properties to the rear of the frontage building line, which is again out of character in this location. This would be relatively urban in character with dwellings set off cul-de-sac arrangements internally within the site. The proposal would be detached from the settlement and would lead to the erosion of the open countryside and would appear incongruous with its surroundings.</p> <p>The development of the site would have an adverse impact upon the character and appearance of the countryside which contributes to the setting of the village and rural approach. The proposal fails to accord with the NPPF and Policies BE1 and OS2 of the Local Plan, the latter policy which</p>
--	--

<p>Highway Issues</p> <p>The village overwhelmingly objected to a new village hall or need for a car park, the issue of school and cricket parking has never been a problem and never been raised, the cricket club use the school car park so there is no need to park outside of the school, all cars and vans parked on Longcliff Hill are residents vehicles and visitors to these houses, including the van obstructing the entrance and exit to the school car park, hindering traffic travelling along Longcliff Hill and cars exiting the school car park which is very dangerous, a maximum of 15 cars on match days, which easily fit in the car park.</p> <p>Object to the proposal of a footpath leading from this field to the school as this will be very dangerous whilst cricket is in play, which in the height of the season is Tuesday to Saturday and some Sundays.</p> <p>There would be four entrances coming onto a busy main road, which already have visibility and speed issues.</p> <p>Vehicle access will be in a low lit and deserted area, with a cut through to the playing field/cricket club, causing a security issue.</p> <p>The creation of a staggered crossroad would be dangerous, the development would bring more cars into the area, which in turn would cause various problems and questions who would pay for the upkeep and of the public footpath.</p> <p>Drainage</p> <p>The area already has poor drainage and more building would have a serious impact on flooding.</p> <p>The field proposed as an open space is always boggy and flooded so will be very rarely fit for use.</p> <p>Infrastructure</p> <p>The Village has no infrastructure to support more houses.</p> <p>Ecology</p> <p>Buzzards, great Crested Newts and other wildlife are nesting in the same location as well as rare hedging plants and this would have a serious impact on the wildlife.</p>	<p>seeks to protect the countryside from harmful development.</p> <p>Highways</p> <p>The application is in outline with only means of access submitted for consideration at this stage. The proposed dwellings would be served via a new access which would be shared by the residential development. The access would provide parking and turning for the residential properties. A separate access is proposed to the south-west of the site to provide car parking spaces for the community parking area, approximately 20 spaces.</p> <p>The Highway Authority has no objection to the application subject to the provision of conditions in respect of the access and visibility splays. It is considered that the development could be designed to meet these requirements and could be controlled via means of a condition if the proposal is deemed acceptable.</p> <p>Drainage/Infrastructure</p> <p>Any proposal, should permission be granted, could be conditioned to secure adequate sustainable drainage to serve the development. No objection has been received from the Lead Local Flood Officer. It is also considered the additional demands on the village services and infrastructure could be accommodated given the relatively small number of additional dwellings proposed.</p> <p>Ecology</p> <p>Leicestershire County Ecology raised no objection following clarification of the development.</p>
--	--

<p>Other Issues</p> <p>The car park will become a magnet for travellers, joy riders, teenagers and drug users;</p> <p>The car park which will hardly be used close to the playing field/cricket club will increase insurance liabilities;</p> <p>The car park will be too far away from the village amenities (e.g. the school) so unlikely to be used;</p> <p>The footbridge is to be retained and not safe and a new access from the development to the playing fields needs to be created and maintained. The Parish Council is already struggling financially, how/who will pay for this and maintenance.</p>	<p>Other Issues</p> <p>These comments are noted.</p>
---	--

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Residential Amenity</p>	<p>The application site is currently undeveloped land in the open countryside. There are residential properties further to the west on Main Road but these are some distance from the proposed dwellings and separated by the Dalby Brook and tree belt to the site boundary. To the north, south and east is open countryside.</p> <p>Whilst matters relating to siting, appearance and scale are reserved, it is considered that given the separation distances, the site can accommodate seven dwellings whilst maintaining the residential amenity of neighbouring properties.</p> <p>The site lies within relatively close proximity to the railway line which is likely to generate noise which would adversely impact on the residential amenity of future occupants of the proposed dwellings. It is considered this could be mitigated against effectively to ensure a satisfactory level of amenity to future occupiers. However, a noise assessment has not been requested at this stage as the application is recommended for refusal on visual grounds. Should permission be granted a noise survey to include mitigation measures would be required.</p> <p>It is therefore not considered that the proposal would have an undue adverse impact on the residential amenities of occupiers of neighbouring properties subject to detailed design, layout and scale and is considered to comply with the policies highlighted above.</p>

<p>The (new) Melton Local Plan –</p> <p>The emerging Melton Local Plan is at the examination stage. The NPPF advises that:</p> <p>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 Framework, the greater the weight that may be given) <p>The Pre Submission version of the Local Plan identifies Old Dalby as a ‘Service Centre’,</p> <p>Service centres are villages that act as a local focus for services and facilities in the rural area. They have the essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. These villages should have all four of the Essential services and a good range of important and other facilities.</p> <p>Policy SS1 Presumption in Favour of Sustainable Development seeks to secure sustainable development. Policy SS2 Development Strategy sets out housing development for the Borough. Policy SS3 Sustainable Communities states outside sites allocated in the Local Plan permission will be granted for small scale development. Other relevant policies include Policy C2 Housing Mix, Policy C3, National Space Standards and smaller dwellings, Policy C9 Health Communities, Policy EN2 Biodiversity and Geodiversity, Policy EN6 Settlement Character, Policy EN8 Climate Change, Policy EN11 minimising the risk of flooding and Policy D1 Raising the standard of Design.</p>	<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. It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The site lies beyond the limits of development and Policy SS2 states in open countryside outside settlements new development will be restricted to that which is necessary and appropriate in the open countryside.</p> <p>The Council can demonstrate a five year land supply and although Old Dalby is a sustainable location for new residential development this site is beyond the village boundary for development and on land classed as countryside. As such, the proposal is contrary to Policy SS2 and no material considerations outweigh this. Although this policy has not yet been adopted it adds weight to the objection in principle to the development.</p>
--	--

<p>Neighbourhood Plan The Nether Broughton and Dalby Neighbourhood Plan has concluded its examination.</p> <p>Policy S2 Development Proposals Outside the Defined Limited to Development states that land outside the defined limits to development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic policies</p> <p>Policy H1 Housing Provision states planning permission will not be granted within the Plan area for new residential development, beyond the current commitments, apart from where the proposal complies with Policy H2, Policy H3 and Policy BE3. Policy H2 relates to a housing allocation on Station Lane.</p> <p>Policy H3 Windfall Sites states residential proposals within the Limits to Development will be supported subject to proposals being well designed and meeting relevant requirements set out in other policies.</p> <p>POLICY H4: HOUSING MIX - requires that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs.</p> <p>Policy H6 Housing Design encourages development proposals to have regard to building design principles.</p> <p>Community Action ENV1 Important Open Spaces states the Parish will work with MBC and other partners to secure the protections of locations and features. The front of the site abutting the highway is identified.</p> <p>Policy ENV7 Areas of Separation seeks to retain the geographical and visual separation between neighbouring settlements. Development which is approved in these areas will only be of appropriate types including among others, new facilities providing community amenity and will be designed to enhance the rural character of the areas between the villages.</p> <p>Policy CF2 The provision of New Community Facilities and Assets states proposals to enhance the range of community facilities will be supported subject to certain criteria being met.</p> <p>Policy TR1 Public Car Parking states support for the establishment of new public parking facilities at suitable locations.</p>	<p>The site is beyond the limits of development within the Neighbourhood Plan and Policy S2 generally seeks to resist development in the countryside. No justification has been provided to suggest this policy should not prevail in this case. Policy H1 seeks to limit residential development beyond current commitments; this site is not committed for housing.</p> <p>Policy ENV1 seeks to protect local green space and the front of the site is identified within this policy. The proposal would create two new access points and would adversely impact on the site frontage, contrary to the aims of Policy ENV1. Furthermore, Policy ENV7 identifies this site as part of the area of separation between Old Dalby and surrounding settlements. Development of this site would undermine the intentions of this policy.</p> <p>The proposal is therefore contrary to the above policies.</p> <p>The proposal includes the provision of a mix of three and four bedroom bungalows which is considered to provide an acceptable mix of housing, to comply with Policy H4. As the application is in outline no design details have been submitted and consideration under Policy H6 would be under any subsequent reserved matters application.</p> <p>The proposal would provide a community facility through the public car park and would comply with Policy CF2.</p>
---	--

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 considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to more than seven years. Despite Old Dalby being considered a sustainable location for housing having access to various facilities, primary education, local shops and a regular bus services and limited distances to employment opportunities which has reflected in its identification as a 'Service Centre' in the Emerging Local Plan, the site is not allocated as a site for housing in either the emerging Local Plan or Neighbourhood Plan which is due for a referendum in the coming weeks.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the impact on the character of the village, and concerns regarding traffic, and impact upon character of the area. The proposed development would have a detrimental impact on the rural character and appearance of the area and the rural approach to the village of Old Dalby

In conclusion it is considered that, on the balance of the issues, there are benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply, however the weight attached to the site not allocated for housing outweighs the benefits in this instance.

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 not be granted.

Recommendation: REFUSE on the following ground:

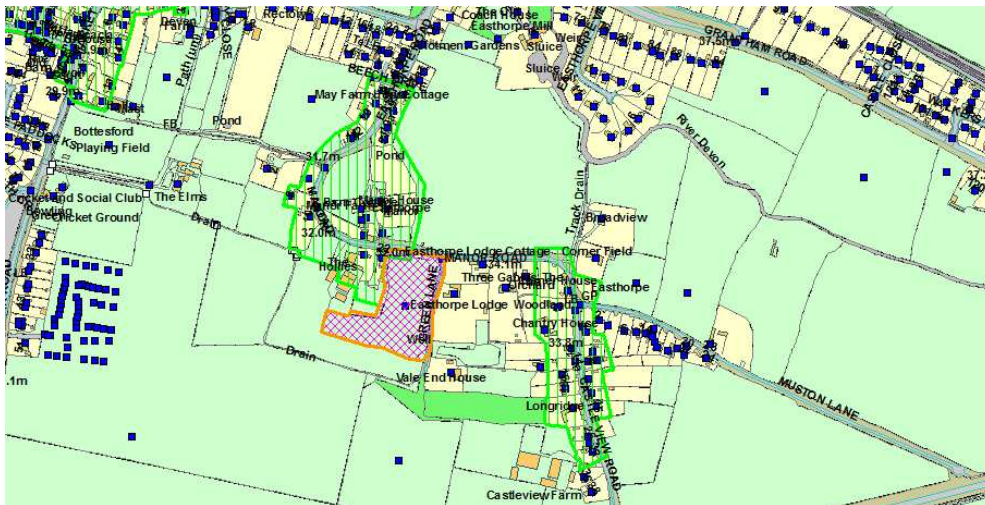
1. In the opinion of the Local Planning Authority the proposed dwellings would occupy a site outside of the built up confines of Old Dalby on land that provides part of the rural setting to the village. The introduction of seven residential units and parking would result in the erosion of the rural character and appearance of the open countryside, eroding the clarity of the eastern approach to the village through a new development which would detract from the open nature of this rural approach. The proposal is therefore contrary to Policies BE1 and OS2 of the Melton Local Plan, Policies S2, H1, ENV1 and ENV7 of the Broughton and Dalby NP, Policy S2 of the emerging Melton Local Plan and the NPPF. These policies seek to ensure a satisfactory appearance to development and to restrict inappropriate development in the countryside and to protect important open spaces and areas of separation.

Officer to contact: **Mr Joe Mitson**

Date: 6th February 2018

COMMITTEE DATE: 20th February 2018

Reference: 17/00996/OUT
Date submitted: 08.08.17
Applicant: Breydon Construction
Location: OS Field Number 0349, Manor Road, Easthorpe.
Proposal: Erection of up to 18 dwellings with associated access, drainage infrastructure and amenity open space.



Proposal:-

This application seeks outline planning permission for up to 18 dwellings with associated access, drainage infrastructure and amenity open space. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application.

The land falls outside of the village envelope for Easthorpe and adjoins the Conservation Area. The site has an area of 1.47ha and lies to the west of Easthorpe Lodge. Existing access into the site is provided via Green Lane

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**
- **Impact upon heritage assets**
- **Drainage/flooding issues**
- **Highway safety**
- **Impact upon residential amenities**
- **Sustainable development**
- **The role of the emerging Local and Neighbourhood Plans**

The application is supported by a Arboricultural Report, archaeological assessment, Design and Access Statement, Drainage Survey, Sequential Test, Flood Risk Assessment, Ecological Appraisal, Highways Report, Landscape and Visual Appraisal, Planning Statement and Geophysical Survey. All of these are available for inspection.

The application is required to be presented to the Committee due to the level of public interest.

History:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - This policy restricts development including housing outside of town/village envelopes. In the context of this proposal, this policy could be seen to be restricting the supply of housing. Therefore and based upon the advice contained in the NPPF, **Policy OS2 should be considered out of date when considering the supply of new housing.**

Policy OS3: The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an applicant under section 106 of the Town and Country Planning Act 1990 for the provision of infrastructure which is necessary to serve the proposed development.

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 H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy C1: states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

Policy C13: states that planning permission will not be granted if the development adversely affects a designated SSSI or NNR, local Nature Reserve or site of ecological interest, site of geological interest unless there is an overriding need for the development.

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.
- 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 Historic Environment

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 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, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

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

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: No objection, subject to conditions and developer contributions</p> <p>The CHA recognises that there was another planning application in the filed to the east of Green Lane (LPA ref: 15/01016/OUT) for 9 dwellings which was granted planning permission in April 2016. Whilst the applicant is different for these two applications, it is understood from the information provided on the two application forms that the landowner at the current site was the applicant for the 2015 planning application. These highways observations are therefore provided on the basis that any off-site works which are considered as necessary as part of this planning application can be delivered where they affect land to the east of Green Lane.</p> <p><u>Site Access</u></p> <p>Access to the proposed development will be off Green Lane which is an unclassified adopted road. The development will be served by three shared accesses and six individual accesses to plots, onto Green Lane as shown on the illustrative layout drawing number P16-1032-002 Rev B.</p> <p>Whilst it is recognised that the submitted site plan is an illustrative Layout (Pegasus Drawing P16-1032-002 Rev B), only the ‘Village Street’ would be accepted for adoption (subject to S38 technical approval) as all other shared drives serve less than five dwellings off any single point of access. Notwithstanding, the principle of accessing Green Lane, subject to improvements on Green Lane itself as described further below, are acceptable; however the access labelled ‘Village Street’ should be amended to a vehicle cross-over instead of a kerbed radii junction as currently shown. It is considered that this can be secured through planning condition.</p> <p>The existing hedgerow vegetation on the west side of Green Lane and a small section of the frontage hedgerow to Manor Road would be lost to provide the visibility splays required for site accesses.</p> <p><u>Offsite Highway Implications</u></p> <p>Planning conditions were attached to the 2016 planning decision to provide improvements to Green Lane and the Manor Road/Green Lane junction, and to alter the access arrangements to Easthorpe Lodge. As part of this current application, similar improvements have been proposed.</p> <p>Proposed highway works are shown on ADC Drawing no ADC1181/006B, which is appended to the Highways Report. The following observations are made in relation to the works which are proposed within the drawing.</p>	<p>The application seeks outline consent for a development of up to 18 dwellings. The only matter for detailed consideration is the access into the site. Layout, scale of development, matters relating to appearance (design) and landscape would form a reserved matters application should approval be granted.</p> <p>It is proposed to take the access off Green Lane with a series of 3 roads and 6 individual accesses serving a development with a mixture of housing types.</p> <p>The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development. Off-site works are necessary as part of this proposal to ensure highway safety.</p> <p>The Highway Authority has no objection to the access from Green Lane subject to off-site improvements.</p>

- The widening of Green Lane to 5.5m is acceptable taking in to consideration the additional 9 dwellings permitted in 2016 and can be secured through planning condition. It should be noted that the previous application only shows widening to 4.8m (on the basis of the 9 dwellings which were applied for at the time); however the CHA considers the 2016 planning condition to be worded flexibly in a way which would not result in conflicting conditions being imposed.
- There are several pieces of street furniture and equipment, including road signs, lighting columns and telegraph poles, which would need to be relocated to accommodate the improvements to the junction of Green Lane and Manor Road. Any costs associated with the relocation of equipment, including electrical works, must be borne by the application.
- Tie in details where the proposed footway along Green Road joins the existing footway on Manor Road are incomplete (simply discontinued, or tying in to a hedge line). It is advised that details and works are secured through planning condition.
- The footway along the eastern side of Green Lane is generally consistent with the one proposed as part of the pervious planning application. However, delivery of this footway will require the relocation of the existing access and gate to Easthorpe Lodge. These works would fall outside the red-line boundary and in land not within the public highway. On the basis of the information provided in the application forms, the CHA considers that the applicant would have sufficient rights to reconfigure the access, and it is advised that the details and works are secured through planning condition.
- Given the direct frontage access on to Green Street and the number of units which would be accessed (including those permitted in 2016), a turning head should be provided at the end of the adopted extents, or as close as possible to the end of the adopted extents in land with the Applicant's control. It is advised that details and works are secured through planning condition.

The number of trips 14 two-way in the AM peak (3 arrivals and 11 departures) and 13 two-way trips in the PM peak (9 arrivals and 4 departures) from the proposed development can be accommodated on the wider highway network.

Highway Trees

There is a tree at the junction of Green Lane and Manor Lane which appears to be part of the

carriageway which is likely to be affected by the considerable amount of construction works required as part of the plans. The tree is not currently part of the adopted highway extent, yet the plan indicates there will be a verge (where the tree is located) and a footway behind it and on this basis it is assumed that the tree would be offered as part of the adopted extents. Accordingly, the verge should be removed for maintenance purposes as it will not be practical to maintain the small area of verge around the tree.

Forestry colleagues consider that the roots could be irrevocably damaged during the construction process. This may result in a tree being offered for adoption which would need to be removed, due to declining health or an unstable root system.

On the assumption that this tree is to be retained, and assuming that LCC are to adopt the verge and path at the start of Green Lane, the CHA requests that the LPA condition applicant to provide a full arboricultural method statement and arboricultural impact assessment survey including details for the tree in question.

Furthermore a robust highway design and method statement will be required, with appropriate methodology for works around the tree's root system and adequate protection during the construction process, as per BS 5837.

The applicant should further be advised that the retention of the tree and its subsequent adoption within the highway extents will attract a commuted sum.

Internal Layout

As this application is for outline planning permission including means of access, drainage, infrastructure and amenity open space the indicative internal layout including parking provision has not been checked from a highways perspective.

As part of any future reserved matters application, the CHA would expect off-street parking to be provided on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. Parking spaces should be 2.4 metres x 5.5 metres and any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space. There should also be hard surfaced turning facilities within the site to allow all vehicles to leave the site in a forward gear.

Road Safety Considerations

The CHA has checked its database containing Personal Injury Collision (PIC) data and there have been no PICs on Manor Road in the last five years. The CHA do not believe the proposed development

will exacerbate the current situation and would not seek to resist the application on highway safety grounds.

Conditions

1) No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic , 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.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory road and lead to on-street parking problems in the area.

2) Notwithstanding the details submitted no development hereby permitted shall commence until such time as an improvement scheme along Green Lane including for carriageway widening, improvements to the Manor Road/Green Lane junction to provide 2.4m x 43m visibility splays, footway works, replacement access facilities for Easthorpe Lodge and a turning head as close as possible to the adopted extent of Green Lane has been submitted to the Local Planning Authority for approval. The approved scheme shall thereafter be provided and implemented in full prior to the occupation of any dwelling hereby permitted.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

3) No development shall commence on the site until such time as an Arboricultural Construction Method Statement and details of a suitable replacement for any highway tree(s) that are removed or provided as part of this application 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.

Reason: To protect the existing highway in the vicinity of the development site.

4) Notwithstanding the submitted plans no part of the development hereby permitted shall be occupied until such time as accesses on to Green Lane have been provided in accordance with the following requirements:

<p>- Main vehicular access (Village Street) serving more than 5 but no more than 25 dwellings: minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary with a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway.</p> <p>- Shared private drives serving no more than a total of 5 dwelling: minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary with a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway.</p> <p>- Individual private access drives on to Green Lane: drop crossing of a minimum size as shown in Figure DG20 of the 6Cs Design Guide at its junction with the adopted road carriageway.</p> <p>To afford adequate visibility off any accesses no walls, planting or fences shall be erected or allowed to grown on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway. All accesses shall be surfaced in a bound material for a minimum of 5m behind the highway boundary. The accesses once provided shall be so maintained at all times.</p> <p>Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p> <p>5) The new vehicular accesses hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on to Manor Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to an agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway and pedestrian safety in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p>	
<p>Environment Agency</p> <p>The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following conditions are imposed:</p> <p>1) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) EWE Associates Ltd. Final Rev C January 2018 and the following mitigation measures details within the</p>	<p>The conditions as suggested would be added to any permission granted.</p> <p>Whilst it is acknowledged that the site is within a flood zone, mitigation works are proposed as part of the development. Access is the only point for consideration at this time, an exception test has been submitted to the LPA for consideration and has satisfied the requisite points as set out in the NPPF, please see further information on drainage in the comments from the</p>

<p>FRA.</p> <p>a) Finished floor levels are set no lower than 33.3m above Ordnance Datum (AOD).</p> <p>b) Provision of compensatory flood storage in accordance with Appendix K to the above Flood Risk Assessment.</p> <p>Reason</p> <p>a) To reduce the risk of flooding to the proposed development and future occupants.</p> <p>b) To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.</p> <p>Advice to LPA</p> <p>The roads bordering the development, Manor Road and Green Lane, are both designated as flood zone 3b (functional floodplain) in the document Melton Borough Council Level 1 and 2 Strategic Flood Risk Assessment Addendum Report Appendices, JBA Consulting, September 2016 Appendix B: Detailed site summary tables. Flood Zone 3b is defined in the NPPF as 'land where water has to flow or be stored in times of flood'. During a flood, the site may therefore be cut off with no dry access or egress. This should be considered by Melton Borough Council when they determine whether the site passes the Exception Test.</p> <p>We suggest that another access and egress route is considered which will be safe during times of flooding, for example a route to the south.</p> <p>The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warning to occupant/users covered by our flood warning network.</p> <p>The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.</p>	<p>LLFA and the sequential test submission.</p>
<p>Lead Local Flood Authority (LLFA) - Acceptable subject to condition</p> <p>When determining planning applications, Melton Borough Council as the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG).</p>	<p>The application site is within a known Flood Risk area and is at risk from flooding. The submitted details as part of the application include a drainage report, flood risk assessment, sequential and exception test.</p> <p>The proposed development includes SuDS drainage methods which will ensure that surface water run-off from the site can be satisfactorily accommodated.</p> <p>Technical details have been submitted as part of the submission that demonstrate measures can be taken to</p>

Areas of the proposed development site are identified within Environment Agency Flood Zone 2 and 3 and therefore any advice given by the Environment Agency should be followed. It is also the duty of Melton Borough Council as the Local Planning Authority to apply the Sequential and Exception Tests.

The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.

1) Surface Water

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.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

2) Construction Surface Water Management Plan

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.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

3) SuDS Maintenance Plan and Schedule

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.

Reason: 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.

4) Infiltration Testing

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

ensure the site would be safe to occupants, should flood occur.

<p>reflect this in the drainage strategy.</p> <p>Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>	
<p>Affordable Housing</p> <p><i>Total dwellings – up to 18 dwellings</i> <i>Affordable Housing contribution at current Local Plan level – 7 (rounded down) 40%</i> <i>Affordable/intermediate/social rented – 5</i> <i>Intermediate housing – 2</i></p> <p>Evidence in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA, Jan, 2017) shows a need for a split of 80% rented and 20% intermediate housing.</p> <p>The Melton Borough Council Housing Needs Study (HNS, 2016), which examines housing need at a more detailed ward level, has found a c.5% need for starter homes, which can fall within the intermediate housing.</p> <p>The HNS, rather than the HEDNA, needs to be used as evidence for the housing size mix because it has based demographic change likely to be associated with 245dpa level of housing delivery (the amount stated in the Towards a Housing Requirement for Melton BC document, Jan 2017), to identify the optimum housing mix. Affordable housing is split between intermediate housing and social/affordable rented. This is to reflect the difference in the housing mix requirements of each.</p> <p>Affordable/intermediate/social rented: 3 x 2b4p houses 2 x 3b5p houses Total: 5</p> <p>Intermediate housing: 2 x 2b4p houses Total: 2</p> <p>Market housing mix 2 x 1 bed house 5 x 2 bed houses 3 x 3 bed houses 1 x 4 bed house</p> <p>Total: 11</p> <p>A local connection cascade would need to be applied on this application, as per the separate attachment.</p> <p>The affordable housing would need to be built out to Housing Quality Indicators (HQI) standards. These are set out in the separate attached DCLG document.</p>	<p>This is an outline application which allows the details of the housing mix to be considered later, but a condition would ensure that a mixed balance of dwellings is provided. The proposed quantity of affordable housing is in accordance with identified needs identified by the evidence, and Development Plan Policy. (Policy H7 of the adopted Local Plan).</p>

<p>LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present.</p> <p>The submitted Archaeological Desk-Based Assessment (ULAS report 2017-075) is welcomed and confirms the archaeological potential of the site shown by the Leicestershire and Rutland Historic Environment Record (HER). The application site lies within an area of archaeological interest, within the Historic Settlement Core of Easthorpe and adjacent to the Scheduled Medieval Manorial site and associated village earthworks and, although the earthworks have since been ploughed out, associated below-ground archaeological remains are likely to survive. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.</p> <p>The preservation of archaeological remains is, of course, a material consideration in the determination of planning applications. The proposals include operations that will destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information.</p> <p>Since it is likely that archaeological remains will be adversely affected by this proposal, we recommend that the Planning Authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.</p> <p>Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 12, Paras. 128,129 & 135).</p> <p>Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal to ensure the archaeological potential is given future consideration.</p>	<p>The site is in a sensitive location in terms of archaeology, the applicants have submitted a further report as per the request of LCC Archaeology, a trial trenching report is also due to be submitted to the LPA, a representative from LCC has visited the site whilst the trenching was underway and has confirmed to ULAS that the northern part of the site will require a further programme of archaeological work to be secured by planning condition.</p> <p>It is considered that the site is appropriate for development subject to conditions.</p>
<p>LCC Ecology – No objection, subject to conditions securing mitigation.</p> <p>The ecology survey submitted in support of the application (Ecolocation, June 2016) is satisfactory. No protected species or habitats of note were recorded and no further surveys are required at this stage.</p> <p>We would recommend that if permission is granted the applicant is required to follow the</p>	<p>Noted.</p> <p>The proposal provides an opportunity to provide net biodiversity gains through enhancements within the landscaping. While this is an outline application it is clear that buffer zones could be provided to enhance biodiversity.</p> <p>Mitigation measures have been proposed and a</p>

<p>recommendations in the report.</p> <p>However, the hedgerows on site were assessed as having biodiversity value. We welcome the retention and buffering of these hedgerows and would request that conditions are in place to ensure that these buffers are retained when the final layout is submitted.</p> <p>The area of retained grassland ('The Green') and the proposed SUDs areas should be used for biodiversity enhancement. We would therefore be pleased to comment on the proposed landscaping plans when they are available.</p> <p>In summary, we have no objections to this development, but would request that the following are forwarded as a condition of the development:</p> <ul style="list-style-type: none"> - All works in accordance with the recommendations in the ecology report. - Final layout to be in accordance with the Illustrative Layout (Rev B), any amendments must retain at least a 5m buffer between the existing hedgerows and the development. - Landscaping in the areas of Open Space to comprise locally native species. Landscaping plans to include biodiversity enhancements. Landscaping to be approved. - Ecology surveys are only considered to be valid for a period of 2 years. Therefore an updated survey will be required either in support of the reserved matters application, or prior to determination (whichever is soonest after June 2018). This should focus on a walkover survey of the site to identify any changes since the previous survey. More detailed surveys should then be completed as appropriate. 	<p>condition can be imposed to safeguard future biodiversity of the site.</p> <p>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.</p>
<p>Parish Council – Object to the proposal on the following grounds:</p> <p>There will be too many properties built in relation to the rest of the village, the area of separation will be lost, it will make Easthorpe lose its charm and there are no small properties being built.</p>	<p>The application is in outline and states up to 18 dwellings to be developed, as part of the proposal an indicative plan has been submitted that demonstrates the dwellings can be provided without appearing cramped in form. The development sits within close proximity to the built form and adjacent to a site that benefits from existing planning permission, as yet details of house sizes have not been confirmed, the submitted Design and Access Statement states that <i>“the development proposals will deliver 18 dwellings on a site of 0.62 hectares, the development proposals will deliver a mix of housing in line with national and local policy. The scheme will potentially include a range of house types varying from 2 to 5 bed homes. The development seeks to deliver a mix of tenures which will provide open market housing and 37% affordable housing.”</i></p> <p>A condition would be added to any permission to ensure</p>

	that the proposed housing provides a mix and need as set out within the requirements of the background documents of the New Melton Local Plan.
<p>Developer Contributions: LCC</p> <p>Waste The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy.</p> <p>The County Council’s Waste Management Team makes an assessment of the demands any proposed development would have on the existing Leicestershire County Council Civic Amenity infrastructure.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Bottesford and residents of the proposed development are likely to use this site. The Civic Amenity Site at Bottesford 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>Future developments that affect the Civic Amenity Site at Bottesford may result in a claim for a contribution where none is currently sought.</p> <p>Libraries No claim from Leicestershire Library Services due to the closest library to the development being Grantham Library.</p> <p>Highways No claim from Leicestershire Highway Authority.</p> <p>Education.</p> <p>Primary School The site falls within the catchment area of Bottesford C of E Primary School. The school has a net capacity of 315 and 259 pupils are projected on roll should this development proceed; a surplus of 56 places after taking into account the 5 pupils generated by this development.</p> <p>There are currently no pupil places at this school being funded by S106 agreements from other developments in the area.</p> <p>An education contribution will therefore not be requested for this sector.</p> <p>Secondary School The site falls within the catchment area of Belvoir High School. The school has a net capacity of 650 and 636 pupils are projected on roll should this development proceed; a surplus of 14 pupil places after taking into account the 4 pupils generated by this</p>	<p>Noted.</p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p>

<p>development.</p> <p>However a total of 5 pupil places are being funded at this school from S106 agreements for other developments in the area. After taking these places into account the school has a forecast surplus of 19 pupil places.</p> <p>An education contribution will therefore not be requested for this sector.</p>	
--	--

Representations:

A site notice was posted and neighbouring properties consulted. As a result **3 letters of objection have been received.**

Representations	Assessment of Head of Regulatory Services
<p>Character of the area</p> <p>Negative adverse impact on the locality – 18 new homes will change the whole character of this beautiful, peaceful hamlet.</p> <p>The development is out of scale and out of character – this can be seen clearly from the plan of Easthorpe provided in the Highways report.</p> <p>The development area looks massive in comparison with the hamlet’s existing area of dwellings.</p> <p>The development itself is disproportionate. 18 houses, of which I assume will be a mix of 2/3/4/5 bedroom houses will have an excessive footprint which completely out of character.</p> <p>This alongside the 9 houses that are part of another proposed development that the other side of Green Lane. This is a total of 27 houses just off Green Lane, not just 18.</p>	<p>The applicants have produced a detailed Landscape and Visual Assessment study. This follows accepted professional methodologies.</p> <p>While the appearance of the site would be altered this would not have a significant impact upon the wider landscape and the setting of the village.</p> <p>Buildings of up to two storeys are proposed. This reflects the general height and scale of buildings in the surrounding area.</p> <p>Layout and landscaping could help assimilate the scheme into the landscape. Housing on this site would not appear to be alien or unusual in this location.</p> <p>The proposed density across the site will be 29 dwellings per hectare to provide up to 18 dwellings. This is considered to be consistent with the overall density and character in the surrounding areas.</p>
<p>Highway Safety</p> <p>Notwithstanding the highway report, the number of additional vehicles (many families have two or three cars) will create nuisance and risk of danger in terms of traffic and parking (estate roads are not wide enough and visitors will park on Manor Road creating obstructions and danger – just look at what happened in Bottesford).</p> <p>The Highways report dismisses the risk of accidents based on historical data but the size of this proposed estate will change the data and thus the risk.</p> <p>The Highways report says that Green Lane would</p>	<p>As per comments above, the County Highway Authority have assessed the proposal and do not consider that there would be a significant impact upon highway capacity or safety.</p>

<p>be improved. It would not. It is a pleasant, quite lane and would be converted into a busy estate road totally out of character with the rural surroundings. It also says that there would be no adverse traffic effect on the local highway network. Adding traffic to a narrow rural road is undeniably adverse. This report appears to be biased in favour of development.</p> <p>No though has been given to safe access and egress from Castle View Road onto the A52. The A52 already has road markings in an attempt to promote traffic calming, which are futile as anyone leaving for work/returning home at peak hours will attest to. No though has been given to access and egress onto Rutland Lane or Grantham Road; both routes North out of Easthorpe.</p> <p>In terms of traffic, assume most families have 2 cars and both vehicles will be used at peak times, be it to travel to work or for the school run. That would put volume at 2 cars x 2 trips (each per day) x 5 week days x 18 residences = 360 weekday trips plus leisure travel at the weekends. The increase in traffic poses a threat to young families within the village and also to cyclists who use Manor Road/Easthorpe Road/Castel View Road as part of the recognised local cycle route (figure 4 of the ADC report). There is also a working farm on Manor Road plus grazing opposite Green Lane, both which are accessed frequently during the daytime and with increased frequency at salient times during the year as necessary.</p>	
<p>Flooding</p> <p>The flood and drainage report commissioned by the applicants advises that the new occupiers should be on the EA flood alert system so that they can evacuate their properties while they can still make their way out through Manor Road. This is an unsustainable site. The LA should not be adding to the number of people in the Parish of Bottesford who are on automatic flood alerts.</p>	<p>Please see comments above from the relevant drainage authorities, none of which are objecting to the proposal subject to certain conditions.</p> <p>The application is in outline and full details, along with calculations for capacity etc and future management re recommended by the LLFA.</p> <p>Part of the submitted details include a storm water attenuation feature to be proposed near to the southern boundary. It is proposed that this will be designed to drain completely so that permanent water features are not created.</p>
<p>Policy requirements</p> <p>The development is located in an Area of Separation as outlined in the draft Local Plan.</p>	<p>Please see comments below on the New Melton Local Plan.</p> <p>The proposal is contrary to the local plan policy OS2 (village envelopes) however the NPPF is a material consideration of some significance because of its commitment to boost housing growth. 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</p>

	weight.
<p>Other matters</p> <p>Local amenities, including education premises, doctors and shops have no spare capacity to increase volume. Simply travel into Bottesford on a Saturday to go to the Spar or Co-op to see the impact of the current populace.</p> <p>To assume that people are prepared to cycle to travel up to 5km locally for school or non-leisure (as per the ADC report) is unreasonable given that major employment is not local.</p> <p>Major employers reside as far afield as Nottingham, Grantham, Lincoln or Newark but to name a few destinations. Cycling direct to these locations is dangerous, especially Nottingham and Lincoln (along major arteries including the A52 and A46).</p> <p>Rail travel from Bottesford poses challenges for parking, especially as it is free. There are many people who commute from Grantham and its outskirts to take advantage of this free parking and the overflow is often seen on Station Road, which poses a threat to safety at peak times at either end of the day. Rail travel is often congested at peak times with further congestion during the summer months, which may encourage those commuters to take up the opportunity to get back in their cars.</p> <p>The number of houses (18) proposed is excessive. The development is so cramped that it will not offer any attractive opportunity for people in large family homes to downsize there and free up larger houses for families.</p>	<p>Easthorpe whilst currently not sustainable in its own right has been assessed and found due to its close proximity to Bottesford and the number of services available can be considered as a sustainable location. The location of the application site sits on the very western point of the village and its proximity to Bottesford is one that can be reached without the use of a motor car or requiring a very short journey, and where people can access day to day services easily.</p> <p>However, sustainability also takes into account economic and environmental factors and it is recognised that the site is 'greenfield' without a presumption for development. This is considered to weigh against the proposal. However, the land is not identified by any study or policy as important to the setting of Easthorpe nor is it designated as important countryside, for example through National Park, AONB or any other landscape designation giving it 'special' status. Accordingly it does not meet the types of location that the NPPF requires to be protected and accordingly only limited weight can be afforded to this aspect.</p> <p>It is common to find commuters as part of the occupants to new developments, however the sustainability of Bottesford does allow people to commute from this location, but this service is considered as an advantage to the location.</p> <p>As per the comments to the Parish Council, the density is one common this area and the proposal will provide a mix of housing along with an element of affordable housing.</p>

Other Material Considerations,:

Consideration	Assessment of Head of Regulatory Services
<p>Sequential Test</p> <p>The application site is located around 250m south of the River Devon. The application site is shown to be in an area at risk of flooding on the Environment Agency (EA) maps. The Environment Agency have agreed that the Council's Strategic Flood Risk Assessment (SFRA) is more up-to-date than the EA flood zone data and should be used as the basis for the Flood Risk Assessment which accompanies the applications submission.</p> <p>The majority of the site is in Flood Zone 1, a small area to the south-eastern corner of the site is</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>shown in flood zone 2/3a. Green Lane, which is proposed to be widened as apart of the proposal is shown as lying within flood zone 2/3a and at the junction of Manor Road is in zone 3b.</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).</p> <p>Possible alternative sites have been limited to Easthorpe and Bottesford. Alternatives have been screened from Melton Borough Council’s SHLAA, Focussed Changes Local Plan, Planning Applications and windfall searches.</p> <p>A total of 26 sites were presented within the submitted Sequential Test whereby all were discounted due to either viability or existing constraints.</p> <p>The proposed development is of an allocated site within the New Melton Local Plan, whilst it is acknowledged that the Local Plan is still being examined, the site has been assessed and allocated subject to the provision of satisfactory flood mitigation works.</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 Policies and compliance with the NPPF</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 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</p>

	<p>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>The site is a greenfield site and lies outside of but in close proximity to the built form of the village. The site has been allocated for development in the Local Plan 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 affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with promoting housing growth.</p> <p>The proposal would provide market housing in the Borough and would contribute to land supply. 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 – Submitted version.</p> <p>The Local Plan has recently been submitted to the Planning Inspectorate for examination and consideration.</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 submitted version of the Local Plan identifies Easthorpe as a ‘Rural Hub’, in respect of which, under Policy SS2, two sites are allocated residential development in the village, this application site forms the allocated EAST2 within</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight</p> <p>The ‘Focussed Changes’ document recognises the site as EAST 2 capable of accommodating 12 units as an ‘allocated site’.</p> <p>The proposal is in conflict with the emerging local plan because the application proposes 18 dwellings where as the allocation is for 12 dwellings, however the site is allocated for development and technical matters have been overcome for development subject to the submission of further details, therefore the principle of development in this location is accepted.</p>

the Local Plan.

The application site is referenced as EAST2 in the submission version of the New Melton Local Plan of which the Local Plan advises that

Policy EAST2: Development of site reference EAST2 be supported provided

- Food mitigation measures have been put in place and the drainage infrastructure is available to accommodate the surface water from this site.
- The four protected trees to the site frontage (Tree Preservation Order 151/904/6) are retained and suitable protection measures are put in place through the duration of the development.
- That suitable measures are incorporated to ensure there will be no adverse impacts to protected species;
- There is sensitive boundary treatment to the south and southwest with the addition of soft attractive edging, additional landscaping and sensitive boundary treatments.

As per the submitted information as part of the planning application and the detailed consultation responses received it is considered that the requirements as set out above have been met and mitigated.

Policy EN4 identifies an area of separation between Bottesford and Easthorpe whereby New development proposals will be required to

A) avoid the coalescence of settlements by maintaining the principle of separation between them;

B) Retain highly tranquil parts of the landscape between settlements; and

C) Safeguard the individual character of settlements.

New development proposals will be supported where they respect the areas of separation, the site does lie within the designated AOS, however as per the EAST2 site description “The site lies within the AOS but due to the relationship with the built form of Easthorpe the site could accommodate small scale of development similar to the neighbouring site (SHLAA MBC/028/16) without giving rise to the appearance or experience of a coalescence of Easthorpe with Bottesford.

The site location plan submitted does mimic that of the outlined allocation site, therefore sitting within the prescribed designation, however the

<p>proposal is for up to 18 dwellings, not the 12 as set out in the allocation site description.</p> <p>Bottesford Parish Neighbourhood Plan</p> <p>Bottesford PC are a qualifying body with an intention to develop a Neighbourhood Plan.</p> <p>However no Neighbourhood Plan has been published and as such cannot be a consideration in this instance.</p>	
---	--

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 considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to more than seven years.

Affordable housing provision remains one of the Council’s key priorities. This application presents some affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Easthorpe is considered to be a relatively sustainable location in close proximity to Bottesford therefore having access to employment, health care facilities, primary and secondary education, local shops, and regular bus and train services. It is considered that there are material considerations that weigh in favour of the application.

There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its green field state and the impact on the character of the rural village and the allocated area of separation.

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 affordable housing in particular. The balancing issues – development of a green field site and the area of separation – are considered to be of limited harm.

This is because, In this location, the site benefits from a range of services in the immediate vicinity and nearby which mitigate the extent to which travel is necessary and limits journey distance, the character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities, the site is also allocated for development in the submitted Melton Local Plan.

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. 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 "external appearance of the buildings, Layout, Scale and Landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.
4. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.
6. 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.
7. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic , 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.
8. Notwithstanding the details submitted no development hereby permitted shall commence until such time as an improvement scheme along Green Lane including for carriageway widening, improvements to the Manor Road/Green Lane junction to provide 2.4m x 43m visibility splays, footway works, replacement access facilities for Easthorpe Lodge and a turning head as close as possible to the adopted extent of Green Lane has been submitted to the Local Planning Authority for approval. The approved scheme shall thereafter be provided and implemented in full prior to the occupation of any dwelling hereby permitted.
9. No development shall commence on the site until such time as an Arboricultural Construction Method Statement and details of a suitable replacement for any highway tree(s) that are removed or provided as part of this application 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.
10. Notwithstanding the submitted plans no part of the development hereby permitted shall be occupied until such time as accesses on to Green Lane have been provided in accordance with the following requirements:
 - Main vehicular access (Village Street) serving more than 5 but no more than 25 dwellings: minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary with a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway.
 - Shared private drives serving no more than a total of 5 dwelling: minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary with a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway.

- Individual private access drives on to Green Lane: drop crossing of a minimum size as shown in Figure DG20 of the 6Cs Design Guide at its junction with the adopted road carriageway.

To afford adequate visibility off any accesses no walls, planting or fences shall be erected or allowed to grown on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway. All accesses shall be surfaced in a bound material for a minimum of 5m behind the highway boundary. The accesses once provided shall be so maintained at all times.

- 11 The new vehicular access hereby permitted shall not be sued for a period of more than one month from being first brought into use unless the existing vehicular access on to Manor Road that become redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority
12. No development shall take place until a programme of archaeological work, informed by with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
 - The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - The programme for post-investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for achieve deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
13. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 12
14. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) EWE Associates Ltd. Final Rev C January 2018 and the following mitigation measures details within the FRA.
 - a) Finished floor levels are set no lower than 33.3m above Ordnance Datum (AOD).
 - b) Provision of compensatory flood storage in accordance with Appendix K to the above Flood Risk Assessment.
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.

Reasons:

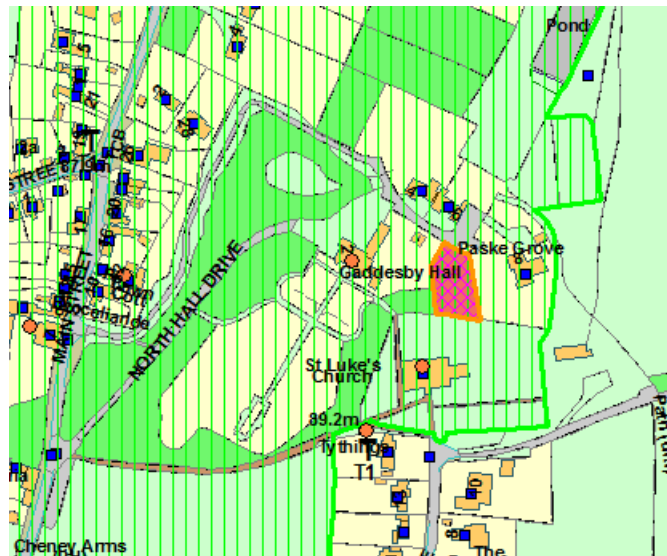
1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To ensure that the housing needs of the borough are met.
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
5. To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public, nature conservation or historical significance.
6. To provide a reasonable period for the replacement of any planting.
7. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory road and lead to on-street parking problems in the area.
8. To mitigate the impact of the development, in the general interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
9. To protect the existing highway in the vicinity of the development site.
10. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
11. In the interests of highway and pedestrian safety in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
12. To ensure satisfactory archaeological investigation and recording
13. To ensure satisfactory archaeological investigation and recording
14. To ensure satisfactory archaeological investigation and recording
15. To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
16. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
17. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.
18. 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.
19. To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

Officer to contact: Ms Louise Parker

Date: 6 February 2018

COMMITTEE DATE: 20th February 2018

Reference: 17/01139/FUL
Date Submitted: 20.10.17
Applicant: Mr & Mrs Jinks
Location: Land Adj The Hall Main Street Gaddesby
Proposal: Proposed two storey dwelling (with ground floor being subterranean).



Introduction:-

The proposal seeks planning permission for a proposed two storey dwelling (with the ground floor being subterranean) within the grounds of Gaddesby Hall. The proposed development site is located within the immediate setting of Gaddesby Hall (a Grade II listed building) as well as the wider setting of the (Grade I listed) Church of St Lukes.

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 conservation area**
- **Impact upon the setting of the listed building**
- **Impact upon residential amenities**
- **Impact upon ecology**
- **Highway safety.**

History:- 15/00826/FUL & 16/00691/DIS

One new dwelling was permitted in 2015 on a former tennis court to the rear of Gaddesby Hall. The new property was a pastiche designed two storey, three bedroom dwelling in reconstructed stone quoins, rustic brick in stretcher bond and natural slate roof. A number of highway improvements were conditioned as part of the approval and these were satisfactorily discharged in 2016.

Planning Policies:-

Melton Local Plan (Saved policies)

Policy OS1 – This policy states that planning permission will only be granted for development within the town and village envelopes where the form, character and appearance of the settlement is not adversely affected, the form, size, scale, mass, materials and architectural detailing is in keeping with the character of the locality, the proposal would not cause undue loss of residential privacy, outlook and amenity enjoyed by occupants of existing nearby dwellings and that requisite infrastructure, such as public services is available or can be provided and that satisfactory access and parking provision can be made available.

Policy H6 – This policy states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy C15 – This policy 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 and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

Policy BE1 – This policy states that planning permission will not be granted for new buildings unless (including): the buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing, the buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight/ daylight and adequate vehicular access and parking is provided.

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 also establishes 12 core planning principles that should underpin decision taking. Those relevant to this application include:

- proactively drive sustainable economic development to deliver homes, infrastructure and thriving local places 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,
- Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it,
- Actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Listed Building and Conservation Area Act 1990

As the site adjacent is Gaddesby Hall, a Grade II listed building, and the development site is within the Conservation Area, the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the building and its setting and preserving and enhancing the conservation area, sections 66 and 72.

Promoting sustainable transport

Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This needs to take into account policies set elsewhere in the NPPF, particularly in rural areas.

Delivering a wide choice of high quality homes

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

Requiring good design

Paragraph 56 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 further explains that it is important to plan positively for the achievement of high quality and inclusive design for all development.

Paragraph 61 states that 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

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Consultations:-

Consultation Reply	Assessment of Head of Regulatory Services
<p>MBC Building Control No comment offered.</p>	<p>Noted.</p>
<p>LCC Highways</p> <p>As the application is for a single dwelling, LCC Highways has requested that MBC consider the highways impact of the application (parking provision, site access width and visibility) using the County Highway Authorities standing advice document.</p> <p>LCC Highways confirmed that while Main Street is classed as public highway and maintained by Leicestershire County Council, the development would be accessed off a private drive connecting to Main Street.</p>	<p>Noted</p> <p>In accordance with the LCC’s standing advice, the parking provision, site access width and visibility is considered acceptable for the one new dwelling on the private drive connecting to Main Street.</p> <p>There is an established number of cars that use the private road to access their properties to the rear of Gaddesby Hall, and the addition of one further dwelling will not sufficiently impact on the access along the drive to warrant a refusal.</p> <p>The parking at the site has been revised to include the removal of a garage as this would have impacted on the setting of the adjacent listed buildings. The revised parking layout is at the front of the property; there is ample space for two car parking spaces and the visibility when entering / exiting the proposed site is in accordance with LCC’s standing advice.</p> <p>The permission 15/00826/FUL for a new dwelling to the rear of Gaddesby Hall included conditions relating to the site access – all these conditions have been discharged and there are no identified issues with access in this location.</p>
<p>Gaddesby PC -</p> <p>Gaddesby Parish Council do not formally object to the application but they have made a number of observations:</p> <ul style="list-style-type: none"> • The plan gives the impression that the entire lower floor will be subterranean. However the western elevation will appear as a two storey dwelling. When sun reflects on the south facing window the reflection will be seen through the Yew hedge screening. • The modern nature of the dwelling is not in keeping with the surrounding buildings. • The private drive will only allow single lane traffic and if the application is 	<p>Noted.</p> <p>Each of Gaddesby Parish Council’s observations must be considered as part of the application process:</p> <ul style="list-style-type: none"> • While the scale of the western elevation will appear as over a single storey, it will not appear as two storeys in height. This was the view taken by both Historic England and MBC Conservation who do not consider this aspect to negatively impact on the setting of the adjacent buildings • The modern nature of the dwelling is considered to be a high quality design

<p>approved there will be too many vehicles using the access road.</p> <ul style="list-style-type: none"> • The Yew hedge has been cut back but not re-aligned enough to allow access onto Main Street and the visibility onto the street is not sufficient. 	<p>and innovative response to the site's context. The pallet of materials combine the use of a traditional reclaimed brick in English garden wall bond with wide expanses of modern glazing. It replaces the pastiche design ethos of previous approvals within the curtilage of Gaddesby Hall. These pastiche buildings have been constructed in stretcher bond brickwork and sit incongruously to the rear of the Hall. Historic England do not object to the proposal on design terms and consider the scheme acceptable for such a sensitive historic location.</p> <ul style="list-style-type: none"> • It is acknowledged that the private drive is a single lane, however the addition of a single dwelling is not considered sufficient grounds to warrant refusal.
<p>LCC Ecology –</p> <p>LCC Ecology are satisfied that the application does not require the submission of any surveys but recommends that should planning permission be granted, the applicant is required to follow a series of reasonable avoidance measures to minimise the impact on any GCN in the vicinity.</p>	<p>Noted.</p> <p>Any approval would be conditioned in accordance with the recommendations stated by LCC Ecology.</p>
<p>Historic England</p> <p>Historic England were consulted on the application on the basis that the new dwelling might impact on the setting of the Grade I listed Church of St Lukes. They did not consider the impact to the setting of the church to warrant grounds for a refusal and chose not to offer formal comments.</p>	<p>Noted</p> <p>The decision to consult Historic England was taken on the basis that the Yew hedge which separates the application site from the Church of St Lukes may not have been insufficient screening.</p> <p>In conversation with a member of the HE planning team, HE supported MBC's judgement that the Yew hedge provides sufficient screening between the church and newly proposed dwelling. They did not identify any additional harm that would arise from the proposed dwelling on the adjacent heritage assets.</p>
<p>LCC Archaeology</p> <p>LCC Archaeology stated that in order to safeguard any important archaeological remains potentially present no demolition/development should take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing.</p>	<p>Noted.</p> <p>Any subsequent approval would be met with a condition that requires the submission of a written scheme of investigation prior to commencement of works.</p>

Representations:-

The application was advertised by means of a site notice and letters were sent out to a number of neighbouring properties. Objections were received from eight individuals for the application and 3 letters of support. Comments received in this objection has been summarised below.

Consideration	Assessment of Head of Regulatory Services
<p>Objections</p> <p>The impact of this proposed building will be considerable on these two historic and listed buildings. The building will be clearly visible from the churchyard.</p> <p>The emerging Melton Local Plan is still under scrutiny and new houses should not be approved in Gaddesby until it has become formally adopted.</p> <p>A planning application for a new dwelling on the site from 1990 was rejected following an appeal to the secretary of state.</p> <p>The planning application states that there are 4 properties that use the private drive. This is incorrect and if the planning application is approved then the private drive will be serving 6 properties which is too many.</p> <p>The obligations to carry out improved maintenance on the private drive as part of the approval 15/00826/FUL</p> <p>Support</p> <p>The new dwelling will be a high quality building that will compliment the surrounding historic environment.</p> <p>The impact of the new development will be minor</p>	<p>The issue of increased traffic along the single width private drive was the principle point of objection. However this has been considered in the Highways consultation response. The addition of a single two-bedroom dwelling is not considered sufficient to grounds to warrant a refusal. If a new development of multiple dwellings was proposed then the circumstances would require further consideration.</p> <p>The issues of the impact on the setting of Gaddesby Hall and the church of St Lukes has been considered in the response from Historic England and the assessment taken by MBC Conservation.</p> <p>The new design is not considered to be unduly prominent when viewed from the rear of Gaddesby Hall; the high quality detailing in English garden wall bond with reclaimed brick will reference a traditional single storey outbuilding ancillary to a large country house, and the overall composition will make a neutral contribution to the setting of the two listed buildings.</p> <p>This new design contrasts with the other recent developments within the curtilage of the Hall that are crude pastiche buildings in stretcher bond brickwork that contribute a marginal degree of harm to the historic environment. Finally the yew hedge which is located in front of the Church of St Lukes is considered to provide sufficient screening between the application site and the Grade I listed building.</p> <p>The objection that houses cannot be developed while the emerging plan is still under consideration is not sufficient grounds to warrant a refusal. Furthermore the application that was rejected in 1990 was taken at a point in time when the surrounding environs to Gaddesby Hall was significantly different. New development to the rear of the site has set a precedent for change and this can be supported if the proposal is in accordance with Paragraph 132 of the NPPF.</p> <p>Finally any issues requiring the maintenance of the private drive is not a material consideration in</p>

	<p>this planning application. The driveway is considered suitable for the provision of an additional dwelling and there are no grounds to warrant a recommendation for refusal.</p>
--	---

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policies and compliance with the NPPF</p>	<p>The application is required to be considered against the Local Plan and other material considerations. The proposal is partially contrary to the local plan policy OS1; however, the NPPF is a material consideration of some significance because of its commitment to boost housing growth. 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’s most recent analysis shows that there is the provision of a 5 year land supply and as such the relevant housing policies are applicable.</p> <p>However, the 1999 Melton Local plan 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 provision of one new dwelling in Gaddesby is acceptable in terms of a general location.</p> <p>The application is considered acceptable against paragraph 134 of the NPPF which states that: “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”</p> <p>The application is considered to make an overall neutral contribution to the setting of the Grade II listed Gaddesby Hall. The marginal degree of harm caused by introducing new built form within close vicinity to the Hall / Church is mitigated by the replacement of an unsightly close boarded</p>

	<p>fence around the perimeter of the site with new hedge planting of various species.</p> <p>The Application Site lies within the built framework of Gaddesby, and the development of a single dwelling in this location will not significantly disrupt the provision of existing rural facilities and services within the village. The Site lies within an area of established residential development and is not therefore incongruous with the surrounding urban grain.</p>
<p>The (new) Melton Local Plan –</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October 2017 and in February 2018 it is under consideration for full adoption.</p> <p>The NPPF advises that:</p> <p>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 identifies Gaddesby as a rural hub, in respect of which development of up to 3 dwellings would be acceptable, subject to satisfying a range of criteria specified.</p> <p>Policy EN6 states that:</p> <p>Development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement.</p> <p>Policy EN13 states that:</p> <p>The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:</p> <p>A) seeking to ensure the protection and enhancement of Heritage Assets including non-</p>	<p>The new Local Plan is currently under consideration for full adoption, however until such time as a decision has been taken, it can only be afforded limited weight. It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The proposal is in alignment with the emerging local plan in terms of the number of dwellings proposed for a rural hub, in which development of up to 3 dwellings would be acceptable.</p> <p>Furthermore the application is acceptable in accordance with Policy EN as it is not considered to harm the open area around Gaddesby hall.</p> <p>The application adheres to Policy EN13 of the emerging Local Plan as it meets the criteria stated in A-C by ensuring the proposal would not impact on the historic significance of Gaddesby Hall of the Church of St Lukes.</p>

<p>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> <p>B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.</p> <p>C) 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;</p> <p>D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;</p> <p>E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and</p> <p>F) the use of Article 4 directions where appropriate.</p>	
---	--

Conclusion

It is considered that the application is acceptable for its location by virtue of its high quality design and architectural detailing. The building provides an innovative response to the provision of a new dwelling in a sensitive position with two listed building flanking its front / rear elevations. The accommodation is provided by introducing a subterranean element at basement level with the ground (upper) floor level remaining at standard single storey eaves height. The use of English garden wall bond reclaimed brickwork will ensure the building appears as a contemporary interpretation of an outbuilding to a country house / hunting lodge.

Any identified harm to the adjacent heritage assets caused by the new development will be mitigated by the removal of an unsightly close boarded fence around the perimeter, to be replaced with attractive hedge planting. The site presently appears as an undeveloped plot of building land and if a new dwelling is to be provided in this location, it is the consideration of MBC Conservation that this is the most viable solution.

The primary consideration to arise from neighbour objections relates to the addition of more cars on a private drive that is only single width. The increased capacity of cars using the drive through the provision of one new dwelling is not considered sufficient grounds to warrant a refusal.

The applicant has submitted a comprehensive heritage statement which has identified the significance of the adjacent listed buildings, and it is clear that the proposal is considered acceptable in accordance with paragraph 131 of the NPPF which recognises the desirability of new development to make a positive contribution to local character and distinctiveness. The proposal would make an overall neutral / marginally positive contribution to the historic environment at Gaddesby Hall.

It is considered that the issue of new residential development in a sensitive location within the Gaddesby Conservation Area requires good quality contemporary design, to ensure there is limited impact and harm to the character of the Conservation Area and the legibility of the listed buildings. Strict conditions have been placed on materials as part of any subsequent approval to ensure the innovative design appears in accordance with the plans submitted.

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 on the balance of the issues, permission should be permitted.

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:** All work must be carried out in strict accordance with the plans submitted to the Local Authority: 091 (SK) 16; 091 (08) 03 P6; 091 (08) 05 P6; 091 (08) P6
- 3:** In order to minimise the impact on any Great Crested Newts in the vicinity:
 - All materials to be stored off the ground (for example on pallets) to minimise the likelihood of GCN accessing them for refuge.
 - All spoil/waste materials to be removed from site at the end of each working day (or stored in a skip).
 - The site should be maintained as sub-optimal prior to the commencement of works.
- 4:** Works shall not commence until such time as samples of all external materials to be used on the works hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.
- 5:** No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;
 - * The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - * The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI
- 6:** 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.
- 7:** In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from (the date of the occupation of the building for its permitted use).
 - (a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard (3998 (Tree Work)).
 - (b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority.
 - (c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

8: Notwithstanding the provisions of Part 8 of Schedule 2, of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) the building(s) hereby approved shall not be extended or altered unless planning permission has first been granted by the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of ecology and for the protection of all wildlife in close vicinity
- 4 To preserve the special architectural and historic interest of the listed building.
- 5 To ensure satisfactory archaeological investigation and recording
- 6 To provide a reasonable period for the replacement of any planting.
- 7 To enable the Local Planning Authority to assess the effect of the development on existing trees and hedgerows in the interests of visual amenity.
- 8 To safeguard the visual amenities of the locality.

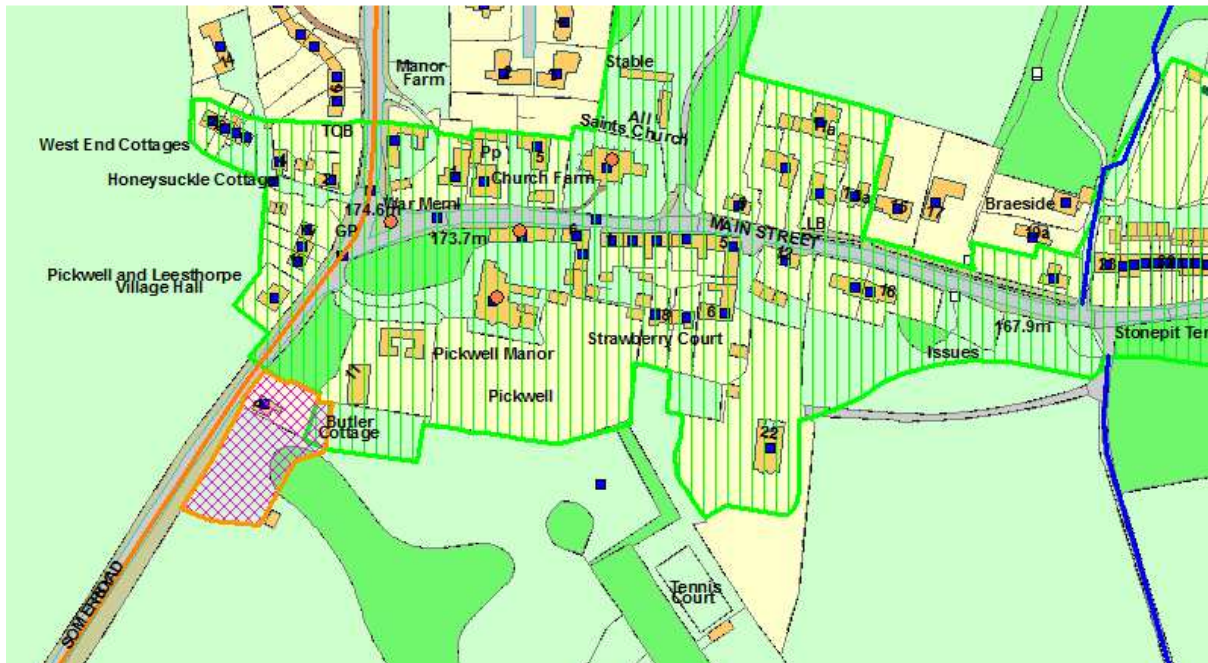
Officer to contact: **Toby Ebbs**

Date: **25.1.2018**

This page is intentionally left blank

COMMITTEE DATE: 20th February 2018

Reference: 17/01389/FUL
Date Submitted: 3rd November 2018
Applicant: Mr & Mrs Kavan Brook Shanahan
Location: Butlers Cottage, 11 Somerby Road, Pickwell, LE14 2RG
Proposal: Demolition of dwelling and the construction of 5 "Alms Style" 2 storey dwellings and associated gardens and garaging off a new single access from Somerby Road.



Introduction:-

The application seeks full planning permission to demolish an existing dwelling and construct 5 "Alms Style" properties. The application site is outside the Conservation Area for Pickwell, but on the boundary with the Conservation Area. The application site is also located outside the village envelope. It is proposed that the development will consist of 1 three bed property and 4 two bed properties.

The application is presented to the committee due to the level of representations received.

It is considered that the main issues relating to the development are:

- Compliance or otherwise with the Development Plan and the NPPF
- Impact on the character of the area and conservation area

- **Impact on the amenity of nearby residential occupiers**

Relevant History:

There is no relevant planning history for the site.

Planning Policies:-

Melton Local Plan (Saved policies)

Policy OS2 – This policy states that planning permission will not be granted for development outside the town and village envelopes except for the development essential to the operational requirements of agriculture and forestry and affordable housing in accordance with policy H8.

Although Local Plan Policy OS2 is saved, recent appeal decisions have made it clear that it is out of date when considering the supply of housing by their restrictive nature.

Policy H8 – This policy states that in exceptional circumstances, planning permission may be granted for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope, provided that: the need is established by the Council, a legal agreement is entered to secure ownership and benefits to successive occupiers and ensure availability of affordable housing for local people in need, the development would be in keeping with the scale, character and setting of the village and would have no adverse impact on the community or local environment and that community services are available nearby to serve the needs of the occupants.

Policy C15 – This policy 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 and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

Policy BE1 – This policy states that planning permission will not be granted for new buildings unless (including): the buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing, the buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight/ daylight and adequate vehicular access and parking is provided.

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 also establishes 12 core planning principles that should underpin decision taking. Those relevant to this application include:

- proactively drive sustainable economic development to deliver homes, infrastructure and thriving local places 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,
- Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it,
- Actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Promoting sustainable transport

Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This needs to take into account policies set elsewhere in the NPPF, particularly in rural areas.

Delivering a wide choice of high quality homes

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

Requiring good design

Paragraph 56 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 further explains that it is important to plan positively for the achievement of high quality and inclusive design for all development.

Paragraph 61 states that 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

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Conserving and enhancing the historic environment

Paragraph 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 when 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.

Consultations:-

Consultation Reply	Assessment of Head of Strategic Planning and Regulatory Services
---------------------------	---

<p>LCC Ecology</p> <p>The Ecology Survey submitted in support of the application (Hillier Ecology, October 2017) is satisfactory. No protected species were identified. However, we would recommend that a note to applicant is added to any permission granted to draw the applicants' attention to the recommendations in the report.</p>	<p>Noted comments made.</p>
<p>LCC Highways</p> <p>The Local Highway Authority understands this is a full planning application for the demolition of a dwelling and the construction of 5 "Alms Style" 2 storey dwellings and associated gardens and garaging off a new single access from Somerby Road, Pickwell.</p> <p>Somerby Road is a publically maintained classified road within a 30mph speed limit and in the last 5 years there are no recoded personal injury collisions within the vicinity of the proposed access. Whilst the proposal is for an increased number of dwellings which in turn is likely to increase the number of trips at the access it is the view of the LHA that the residual cumulative impacts of the development are not considered severe in accordance with Paragraph 32 of the NPPF.</p> <p>Conditions</p> <p>1. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.</p> <p>Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p> <p>2. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained</p>	<p>Noted comments made. Highway concerns have not been raised by any consultees or neighbours.</p>

with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

3. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres for a minimum distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 791/17/3. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012.

Informative(s)

Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

<p>MBC Housing Policy Officer</p> <p>I can confirm that there is not a requirement to provide affordable housing on residential developments which comprise less than 11 units.</p> <p>I understand from you that your intention is to develop 4 x 2 bed properties at either market sale or market rent in the village of Pickwell. The smaller properties, although they would not be considered to be ‘affordable housing’, due the size of the properties, would assist in balancing the Borough’s housing stock. (email correspondence with applicant).</p> <p>Previous comments - . If they are for sale, to make them affordable, they would need to be sold for no more than 80% of the market value. If they are rented, the rent would need to be no more than the Local Housing Allowance rate. For that area, this would be : For a 2 bed, the rent could not exceed £109.32pw/£473.72pcm.</p>	<p>Noted.</p> <p>The applicant has stated in the application form that the development would be for market housing, not “affordable housing”. The design and access statement submitted for the application has indicated that the development would attract an initial rental value of £650 - £700 pcm for a two bed property.</p> <p>As stated by the Housing Policy Officer, the development would not be considered to provide “affordable housing” but would provide smaller dwellings. Due to the size of the proposed development, there is no requirement for the applicant to have to provide affordable housing. The applicant for the development has not made any commitment to providing any affordable/ starter homes.</p>
<p>MBC Building Control</p> <p>Layout appears satisfactory for both Fire and Refuge appliance access</p>	<p>Noted.</p>
<p>MBC Conservation Officer</p> <p>The application for 5 new dwellings on the fringes of the Pickwell Conservation Area was considered during the pre-application stage with the applicant. The proposal was broadly supported on the basis of the detailed drawings and plans submitted which were considered to be of high architectural merit and appropriate for its setting.</p> <p>The development would take place on the immediate boundary of the Grade II listed Pickwell Hall and the Pickwell Conservation Area. Pickwell Hall is an important building with C16-C17 origins and much of its original associated park and gardens in good condition and positively contributes to the setting of the Hall.</p> <p>There is sufficient screening between the Hall and the newly proposed dwellings to ensure the setting of the listed building will not be compromised, and furthermore the new built form will marginally enhance the overall experience of the Hall and the associated park and gardens because it is proposed in matching ironstone and is elegantly proportioned in the</p>	<p>Noted.</p> <p>From the comments received from the Conservation Officer it is noted that the proposed development would not be harmful to the setting of the Grade II Listed building or the wider Conservation Area. It has to be noted that the development site is not within the Conservation Area.</p>

'olde-English' style with mullioned windows, multi pane casement windows, prominent pointed gables and dormer windows.

The scheme must be given particular consideration because it will form a new visual landmark as the entrance to Pickwell Village. At present the entrance to the village is read as a continuous hedge row with a grass verge, interrupted by the present Butlers Cottage which is a mid C20 building that makes a neutral contribution to the surrounding area. The loss of this building as part of the development is not considered to negatively impact the Hall. Its proposed replacement, while on a much larger footprint, is an architectural enhancement. It is noted that the parking would be located to the rear of the properties within a carport, styled as a cart shed. This will protect the street scene from the sight of cars that would be incongruous in this location.

It is noted that the proposal is a facsimile of the olde-English style in its proportions, materials, rhythm, scale and massing. In order to achieve this a high specification of materials should be employed, as if the development was completed that did not reflect the quality of the plans submitted, it would harm the boundary character of the Pickwell Conservation Area and the wider setting of the Grade II listed Hall.

This would include the need for high quality slate for the roofing material, ironstone to match the surrounding vernacular buildings, lime mortar pointing on the ironstone façade and the absolute insistence that the multi-pane slim profile double glazed casement windows include integral glazing bars and are not planted onto the glass. Therefore it is essential that any subsequent approval includes the following conditions:

Details of windows/doors / doors heads/cills to be agreed timber

All external joinery including windows and doors shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

It is agreed that the proposed development would create a new entrance to Pickwell village, as approached from Somerby. Whilst the proposed development would be considered to have a positive impact on the appearance of the Conservation Area, it is noted that the Conservation Officer considers that the existing development on the site make a neutral contribution.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

Trickle vents

In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby granted consent.

Reason: To preserve the special architectural and historic interest of the listed building.

External materials to be agreed – roofs

Works shall not commence until such time as samples (or detailed specifications) of all new roof tiles/slates to be used on the works hereby granted consent, which shall be natural clay non-interlocking pantiles/natural slates/plain clay tiles/rosemary tiles, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the listed building.

External materials to be agreed - walls

Works shall not commence until such time as samples of all new brick/stone walls shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.

Brick/stone sample panel to be provided

Works shall not commence until such time as a brick/stone sample panel showing brick/stone, bond, mortar and pointing technique shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.

<p>Vent of roof not to be provided via tile vent</p> <p>Ventilation of the roof space shall not be provided via tile vents.</p> <p>Reason: To preserve the special architectural and historic interest of the listed building.</p> <p>Details of treatment of verges & eaves</p> <p>Works shall not commence until such time as details of the treatment of verges and eaves shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.</p> <p>Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.</p> <p>Rainwater goods to be cast metal, half round</p> <p>All rainwater goods shall be cast metal and painted black. Guttering shall be half round in profile and fixed by rise and fall brackets with no fascia board fitted.</p> <p>Reason: To preserve the special architectural and historic interest of the listed building.</p> <p>Mortar – hydraulic lime or lime putty</p> <p>Mortar for the purposes of pointing shall be carried out using hydraulic lime or lime putty. The sand mix, colour, texture and pointing finish shall match as closely as possible the historic pointing found elsewhere on surrounding buildings.</p> <p>Reason: To preserve the special architectural and historic interest of the listed building.</p>	
<p>Somerby Parish Council</p> <p>Somerby Parish Council voted to approve this application by a majority of 4 to 1. Please find below some comments from the Councillors:</p> <p>Refuse - Concerns regarding the sustainability of the village. There is a recent development of 5 houses, plus a planned site on land opposite this application for 8 houses.</p>	<p>Noted comments raised by the Parish Council.</p> <p>The sustainability of Pickwell is considered further in the report (Other Material Considerations and Conclusion).</p>

<p>Approve - Stylish proposal as long as it is kept to this size of house. Good example of sensible organic growth.</p> <p>Approve - A well designed development with off-road parking.</p> <p>Approve - If applicant can deliver this it will be very good. Appropriate size, design and off road parking and access. Local Authority MUST address speed issues on Somerby Road.</p> <p>Approve - I approve in principle.</p> <p>Observations:</p> <p>i) There is an exit from the houses on to the main road as shown in the site plan. This must be extinguished. (Subsequent conversation with the applicant revealed that he was unaware of, and not in favour of, this path. He did not know it was on the drawing)</p> <p>ii) It's the right sized development for this village but I share the nervousness about the amount of housing being proposed in Pickwell.</p> <p>iii) The applicant has volunteered to part fund speed tables at both ends of Pickwell - good for slowing down traffic.</p>	<p>It is not the responsibility of Melton Borough Council to address any speed issues in the village/ on Somerby Road.</p> <p>LCC Highways have not raised any concerns with the footpath on to Somerby Road from the proposed dwellings.</p> <p>Speed tables have not been requested by the County Highways Authority. Additionally the applicant has not proposed the provision of a speed table in the application.</p>
--	--

Representations:-

The application was advertised with a site notice and advert in the Melton Times. As a result, 6 representations in support of the application were received.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<ul style="list-style-type: none"> • A lot to recommend itself. • Great deal of thought given to high quality design and using local materials – preserving architectural integrity. • Contribute to preserving character of the village. • Reflects historic nature of the site. • Picks up details and proportions of Alms Houses in Melton Mowbray. • Enhance village approach of Pickwell – nestled behind tree lined avenue and against backdrop of mature trees. • Demolition of existing cottage would enhance the area. • Applicant has experience and credibility in producing sensitive and well detailed properties – valuable addition. 	<p>Whilst it is considered that the proposed design of the development is appropriate for the design and location, there are other material considerations to be taken into account such as the sustainability credentials of Pickwell.</p> <p>It is proposed that the existing hedge to Somerby Road will be retained and additional hedging/ trees are to be planted.</p>

<ul style="list-style-type: none"> • Ample off road parking • Does not exceed village boundary. • Will grow village in organic way. 	<p>The site is outside the village envelope and Conservation Area for Pickwell.</p>
<ul style="list-style-type: none"> • Addresses local need. • Add to housing stock for rent. • Need small, well designed houses with gardens and parking. • Identified as a type of housing in need in the Neighbourhood Plan questionnaire. • Will improve sustainability. • Satisfy need for smaller housing – provide for those wanting to downsize or get on the property ladder. 	<p>The proposed application is for 5 dwellings (4x 2 bed and 1x3 bed).</p> <p>There is currently no draft neighbourhood plan therefore there are no neighbourhood plan policies to consider when determining this application.</p> <p>Whilst the applicant has stated in the submitted design and access statement that</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policies and compliance with the NPPF</p>	<p>The application is required to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2; however, the NPPF is a material consideration of some significance because of its commitment to boost housing growth. 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’s most recent analysis shows that there is the provision of a 5 year land supply and as such the relevant housing policies are applicable.</p> <p>However, the 1999 Melton Local Plan 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 (new) Melton Local Plan – Pre submission version.</p>	<p>Whilst clearly the Local Plan has progressed by advancing to Examination stage, it remains in</p>

<p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October went through the Examination in Public process in late January, early February 2018.</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 identifies Pickwell as a ‘rural settlement’ in respect of which, under Policy SS3, Rural Settlements will accommodate a proportion of the Borough’s housing need, to support their role in the Borough through planning positively for new homes as ‘windfall’ sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet needs and enhance the sustainability of the settlement in accordance with Policy SS3.</p> <p>In rural settlements outside of the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas.</p>	<p>preparation and as such can be afforded only limited weight. It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is contrary to the emerging local plan as Pickwell is not considered to be a sustainable location for new development. Draft Policy SS3 requires that development would be served by sustainable infrastructure or provide new infrastructure or services to the wider benefit of the settlement.</p> <p>Although the proposed development would result in the addition of 5 new dwellings in Pickwell, it is not considered that this development has been demonstrated to satisfy an unfulfilled need nor would improve the sustainability of the village.</p> <p>It is therefore considered that the new Local Plan adds limited weight towards refusal of the application.</p>
--	---

Conclusion:-

The Borough is considered to have an adequate housing land supply. Whilst the site would add to this a maximum of 5, the contribution it would make is limited. It is considered that due to the limited need for further supply and the contribution the development would make, the weight attached to provision is limited (and reduced from circumstances where there is a shortfall that needs addressing). Whilst the proposed development would replace a dwelling which currently makes a “neutral” contribution to the village, it is not considered that the development of 5 houses to replace this one

dwelling would be of significant benefit which would outweigh the harm of the siting of a development in this unsustainable location.

Balanced against this, Pickwell has a poor range of local facilities and services and therefore is not considered to be a settlement suitable for residential development. Evidence produced in the formulation of the new Local Plan shows that the sustainability 'credentials' of Pickwell are very limited and as a result it proposes limited residential development in specific circumstances. The application does not satisfy this approach and as such this conflict is considered to add to the balance against granting permission. Whilst the village is relatively close to Somerby, which has an offering of facilities and services, public transport links are restricted and it is considered that the majority of the village residents would be reliant on private car.

Whilst the applicant has stated that the proposed development would provide "affordable housing" for local people, the application form has stated that the development would be for market housing. Due to the size of the site, there is no requirement to provide affordable housing. The comments from the Housing Policy Officer have been put forward to the Agent for the application (in relation to the amount considered to be "affordable rent"). However they still consider that a rent of "initially at around £650 to £700 per month" is appropriate (compared to £473.72pcm as given from the Housing Policy Officer, taken from Leicester broad rental market area information from the Valuation Office Agency). Whilst the development has been described as "Alms Style" dwellings, this is in design only and not in the traditional "charitable" sense.

In conclusion it is considered that, on the balance of the issues, there are limited benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. However, the balancing issues – the poor sustainability of the village and the conflict with the Pre Submission version of the Local Plan – are considered to outweigh the benefits.

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 on the balance of the issues, permission should be refused.

Recommendation: Refuse, for the following reason:

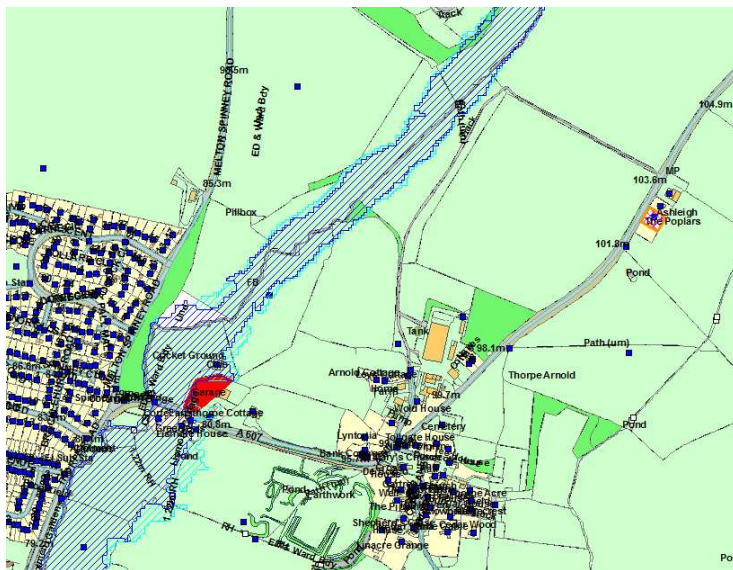
1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location. The development in an unsustainable location where there are limited local amenities, facilities and bus services and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient benefits arising from the proposal to outweigh the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles" contained within Paragraph 17 of the NPPF.

Officer to contact: Mrs J Lunn

Date: 9th February 2018

This page is intentionally left blank

Reference: 17/01552/FULHH
Date submitted: 7.12.17
Applicant: Mr John Leach
Location: The Poplars, Waltham Road, Thorpe Arnold LE14 4SD
Proposal: Convert and alter existing kennels to form double garage and annexe



Proposal :-

This application seeks planning permission for the conversion of existing kennels to form a double garage and annexe. The site is located on the main A607 road from Melton Mowbray to Grantham being outside the village envelope for Thorpe Arnold. The property is a detached dwelling and lies adjacent to one other property. The annexe would have a use associated with the domestic dwelling. The alterations would be carried out using white render with a tiled Redland Grey roof with UPVC windows and doors.

It is considered that the main issues relating to the proposal are:-

- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**
- **Highway issues**

The application is to be considered by Committee due to the applicant is related to a member of Council staff.

Relevant History:-

06/00491/OUT – Conversion of existing disused kennels into a single storey dwelling and erection of a double detached garage – Refused 21.7.06.

12/00781/FULHH – Erection of first floor extension above garage, convert existing garage into a habitable room, single storey rear extension and detached garage – Permitted 17.12.12.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2 and BE1 allow for development outside Village Envelopes providing that:-

- 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 its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available

Policy C11 allows for extensions and alterations to existing dwellings outside village envelopes providing that:-

- The size, scale, form, design and construction materials are in keeping with the dwelling and locality.

Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan has passed the examination and carries some weight.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It 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 offers advice on the weight to be given to ‘emerging’ policy depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: economic, social and environmental. It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- deliver development in sustainable patterns;
- re-using brownfield land.;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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.
- 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

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
Highway Authority: The Highway Authority have no objection.	The proposed conversion of the existing kennels to an annexe would not lead to a material increase in vehicular movement. The Highway Authority has raised no objection. It is not considered that the proposal would have a detrimental impact on highway safety.
Parish Council: Have made no observations.	Noted.

Representations: The consultation was publicised by way of a site notice being posted at the entrance to the site and 8 neighbouring properties were informed by letter. No letters of representation have been received.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Policy Considerations: The site sits outside the village envelope and Policies BE1 and C11 seek to ensure that development respects the character of the area, that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with. Policy OS2 generally presumes against development in the open countryside other than for certain exceptions.	The proposal is to convert an existing unused kennel block into a new garage and annexe consisting of a new lounge, kitchen/diner, wet room and bedroom. The proposal would improve the existing building but would not cause harm to the visual amenity of the site or surroundings. The principle of the proposal is considered to be acceptable as the use of the building would be ancillary to the main dwelling and this could be controlled by a condition. It is considered that the applicant has taken into consideration the policies OS2, BE1, C11, the applicable policies

<p>The (new) Melton Local Plan – Submitted version.</p> <p>The Local Plan has recently been submitted to the Planning Inspectorate for examination and consideration.</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>Policy D1 – Raising the Standard of Design All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:</p> <p>Siting and layout should be sympathetic to the area.</p> <p>Buildings and development should be designed to reflect the local vernacular without stifling innovative design.</p> <p>Amenities of neighbours and neighbouring properties should not be compromised</p> <p>Appropriate provision should be made for the sustainable management of waste , including collection and storage facilities for recyclable and other waste</p> <p>Safe connection to the existing Highway Network</p> <p>Makes adequate provision for car parking</p> <p>Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health and well-being for all.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight</p> <p>The design of the proposals are of a good quality and would benefit the building which is deteriorating.</p> <p>The building would be improved and would have similar render to the host property with a tiled pitched roof. This would be an improvement on the existing flat roofed building. The neighbouring properties would not be affected by the proposal.</p> <p>The usual waste collections for the property would continue.</p> <p>The Highways’ Authority have no adverse comments to make. Parking would be available within the site. Construction would be within the site and care would be taken with egress and access to the site.</p>
<p>Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan states that:-</p> <p>Policy H7: All house extensions or conversions should follow the style and vernacular of the original building, paying particular attention to details e.g. roof shapes, pitch angles, fenestration,</p>	<p>The Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan has passed Examination and carries significant weight.</p> <p>It is considered that the proposal would enhance the building while being sympathetic and is therefore considered to satisfy the –criteria of policy H7</p>

brickwork and tile colour. The combined building should not significantly change the form, bulk and general design of the original or harm its landscape character or setting.	opposite.
Impact on Visual and Residential Amenity	<p>The proposal is of a size, location and orientation not considered to be to the detriment to the neighbouring properties or cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity. Furthermore, the proposed works to the building would enhance the appearance without adding significantly to the size and scale of the building.</p> <p>As such it is considered to comply with the policies as stated above of the Melton Local Plan, the Neighbourhood Plan and the NPPF.</p>

Conclusion

The proposal would convert an existing building into an annexe which would be ancillary to the main dwelling and could be controlled by a condition; as such, the proposal is acceptable in principle. The proposed development has been designed to have limited impact on adjoining properties and would reflect the character and appearance of the surrounding area. The proposal would not have an adverse impact on highway safety. Accordingly, the proposal complies with the above policies and guidance and is recommended for approval, subject to conditions.

RECOMMENDATION:- Approve – Subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority.
3. The development hereby permitted shall be built entirely in accordance with the plans submitted to the Local Planning Authority on 7th December 2017 (plan 3, 4 and 5).
4. The garage and annexe hereby approved shall remain ancillary to the main dwellinghouse and shall not be sold, leased, or rented separately from the main dwellinghouse, nor shall a business be run from it.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory standard of external appearance.
3. For the avoidance of doubt.
4. In the interests of general highways safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012 as a more traffic-intensive development at this site would be inappropriate due to the limitations of the vehicular access and/or the local road network and a separate dwelling would not be suitable in terms of visual and residential amenity.

Case Officer:- Karen Jensch

Date: 6th February 2018

This page is intentionally left blank

PLANNING COMMITTEE SITE VISITS Monday 19th February 2018 **PROGRAMME OF MEMBERS' SITE INSPECTIONS AND COMMITTEE TIMETABLE**

NOTE - These are not public meetings and no decisions are made at site visits.

The purpose of a site visit is for Members to gain factual knowledge and make a visual assessment of the development proposal, the application site and its relationship to adjacent sites.

There is no discussion of the merits of the case at these visits. The appropriate place to do this is at the Planning Committee itself, where the all parties have the opportunity to attend and speak.

Meeting at 9:55 departing 10:00 – Parkside

The following application sites are to be visited.

	Application Ref	Application Site	Approx. time on site
1.	17/01552/FULHH	The Poplars, Waltham Road, Thorpe Arnold	10.05
2.	17/00996/OUT	OS Field Number 0349 Manor Road, Easthorpe	10.40
3.	17/00671/OUT	Land North of Main Road, Old Dalby	11.15
		Coffee Break	
4.	17/01139/FUL	Land Adj. The Hall, Main Street, Gaddesby	12.00
5.	17/01389/FUL	Butlers Cottage, 11 Somerby Road, Pickwell	12.25

Return 12:45 for **Briefing at 12:55 at Parkside**

Committee Meeting: 6:00pm, Parkside, Burton St, Melton Mowbray Tuesday 20th February 2018

**Please note: that the above times may be subject to change and are approximate only.
You are advised to contact the Development Control Section to check the above information on 01664
504242.**

ORDER FOR HEARING APPLICATIONS AT THE MEETING

	<u>Application Ref</u>	<u>Application Site</u>
1.	17/00671/OUT	Land North of Main Road, Old Dalby
2.	17/00996/OUT	OS Field Number 0349 Manor Road, Easthorpe
3.	17/01139/FUL	Land Adj. The Hall, Main Street, Gaddesby
4.	17/01389/FUL	Butlers Cottage, 11 Somerby Road, Pickwell
5.	17/01552/FULHH	The Poplars, Waltham Road, Thorpe Arnold

