



Rural Capital of Food

Agenda

Meeting name	Planning Committee
Date	Thursday, 5 April 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, 26 March 2018

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES - TO FOLLOW To confirm the minutes of the previous meeting on 15.03.18	To Follow
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	1 - 2
4.	SCHEDULE OF APPLICATIONS	
4 .1	17/00821/FUL Land Adj Crompton Road, Asfordby Hill	3 - 14
4 .2	18/00044/FUL Land adjacent 51 Stathern Lane, Harby	15 - 24
4 .3	17/01508/FUL Jubilee House, Station Road, John O Gaunt	25 - 32
5.	URGENT BUSINESS To consider any other items that the Chair considers urgent	

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

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COMMITTEE DATE: 5th April 2018

Reference: 17/00821/FUL

Date Submitted: 30 June 2017

Applicant: Mr Jonathan Chastney - Talavera Estates

Location: Land Adjacent Crompton Road, Crompton Road, Asfordby Hill

Proposal: Erection of 16 dwellings



Introduction:-

The application seeks full planning permission to erect 16 dwellings. The site forms part of ASFH1, an allocated site in the emerging Local Plan.

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

- Compliance or otherwise with the Development Plan and the NPPF
- Impact upon highway safety
- Impact on amenity of neighbouring residential occupiers

The application is required to be presented to Committee due to S106 requests made for the proposed development by Leicestershire County Council.

Relevant History:- There is no relevant planning history for the site.

Planning Policies:-

Melton Local Plan (saved policies)

Policy OS2 - does not allow 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, and small scale development for employment, recreation and tourism.

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 – for development of 10 dwellings of more, amenity space of 5% of the gross development site area will be required, in accordance with the Council’s standards. These standards state that schemes should introduce local “greens” and other informal areas and natural/ mature vegetation should be retained where possible. The standards also state that layouts should be designed to deter ball games and should incorporate landscaping.

Policy H11 – does not allow for development of 15 or more dwellings unless it makes provision for playing space in accordance with the Council’s Standards.

Policy T6 – permission will be granted for major new development provided that safe cyclist and pedestrian routes are provided where appropriate.

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.

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:
 - o 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
 - o specific policies in this Framework indicate development should be restricted.

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

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

Promoting sustainable transport

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

Delivering a Wide choice of High Quality Homes

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

Require Good Design

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

Conserving and enhancing the natural environment

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

The 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 Response	Assessment of Head of Strategic Planning and Regulatory Services
<p>LCC Highways</p> <p>Site Access The proposed access road will be 5.5 metres with 1.8 metre footways on both sides. Based on the quantum of development being applied for the LHA would expect the access road to be 4.8 metres with 2 metre footways on either side.</p> <p>Whilst the width of the proposed access road is not unsafe it is over and above what's necessary for the safe and satisfactory operation of the prospective adoptive highway. Therefore it may attract an additional commuted sum if the proposed development receives planning permission from the LPA.</p> <p>Highway Safety There have been three Personal Injury Collisions (PICs) on the local roads in the vicinity of the site for the five years between 1 December 2012 and 30 November 2017. Two of the PICs were classified as slight in severity and one was classified as severe.</p> <p>The LHA do not believe the proposed development will exacerbate the current situation and would not seek to resist the Application on highway safety grounds.</p> <p>Internal Layout The proposed layout is in line with the guidance contained in Part 3 of the 6Cs Design Guide. The size of parking spaces in the 6Cs Design Guide is 2.4 metres x 5.5 metres although the LHA acknowledge a parking space of 2.4 metres x 5 metres can accommodate a car. Any garages should have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided should permanently remain available for car parking.</p> <p>The LHA understands that while Phase 1 has received technical approval and is to an adoptable standard the LHA has not yet entered into a Section 38 agreement for Phase 1.</p> <p>Notwithstanding the above Phase 2 needs to be designed and delivered to an adoptable standard as per the 6C's Design Guide. If Phase 1, Phase 2, or neither are offered for formal adoption, then the link between phase 1 and 2 will need to be severed so there is no</p>	<p>The application seeks full consent for a development of 16 dwellings.</p> <p>It is proposed to take the access off Crompton Road with the development linking through to a further phase accessed from Glebe Road.</p> <p>The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development and that there is no access or safety issues surrounding the submission</p> <p>Relevant conditions as advised by the County Highway Authority would be added should permission be granted.</p>

<p>through route.</p> <p>Conclusion On balance the LHA does not consider this development will have a severe impact on the highway in accordance with Paragraph 32 of the NPPF.</p> <p>Conditions</p> <ol style="list-style-type: none"> 1. 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. 2. Access road implementation, shared private drives minimum widths. 3. Drainage details. 4. Parking and turning facilities - hard surfaced and provided in accordance with drawings. 	
<p>LCC Ecology</p> <p>The ecology survey submitted in support of the application (ECUS, June 2017) indicates that the site is primarily arable and bare ground. No evidence of protected species was recorded and the site was generally considered to have a low potential to support protected species. No further survey work is required at this stage, but we would recommend that the applicants' attention is drawn to the recommendations in the report.</p> <p>However, there is a hedgerow to be removed along the southern boundary to facilitate the new access road. Page 8 of the Design and Access Statement indicates that a new compensatory hedgerow will be planted along the countryside boundary. This is not shown on the plan and further details on its location and species diversity is required prior to the determination of the application</p>	<p>Noted.</p> <p>Further correspondence with Ecology has confirmed that this can be dealt with by means of a pre-commencement condition.</p>
<p>Severn Trent Water</p> <p>Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition:</p> <p>The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p>	<p>Noted. Relevant condition and Informative provided can be included.</p>
<p>Lead Local Flood Authority (LLFA)</p> <p>The submitted drainage and flood risk details appear generally suitable however there are a few areas where additional information should be submitted to further support the application.</p> <p>Infiltration testing has been discussed and assumed to not be viable; however it is advised that infiltration</p>	<p>The site is in Flood Zone 1. The previously approved development to the North of the site (forming part of the allocated site) has included an attenuation basin, which would also serve this development site.</p> <p>The existing attenuation basis and outfall are shown with the blue line, and therefore are controlled by the same land owner.</p>

<p>testing to BRE365 will need to be undertaken prior to the detailed design stage to demonstrate that it is not viable. This will be enforced through a condition against any forthcoming approval unless it is demonstrate as part of this application.</p> <p>The attenuation basin and associated drainage connections appear to be located outside of the site boundary. Evidence will need to be provided that this land is within developer control.</p>	<p>The Agent has confirmed that the basin and outfall already exist in relation to phase 1. This arrangement was approved in the previous planning application. Phase 2 relates to the same landowner and developer partnership. The legal agreement for phase 2 allows the developer the right to use and expand this basin as required.</p> <p>The submission of SUDS can be conditioned for approval.</p>
<p>LCC Developer Contributions</p> <p>Civic Amenities</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>Libraries</p> <p>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>Education</p> <p>This request for an education contribution is based on 16 houses and 0 flats/apartments with two or more bedrooms. No claim is made on one bedroom dwellings.</p> <p>Primary</p> <p>The site falls within the catchment area of Asfordby Hill Primary School. The School has a net capacity of 189 and 176 pupils are projected on the roll should this development proceed; a surplus of 13 places, after taking into account the 4 pupils generated by this development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area to be deducted. There are 2 other primary schools within a two mile walking distance of the development.</p> <p>The overall surplus including all schools within a two mile walking distance of the development is 45 pupil places. A claim for an education contribution will therefore not be requested for this sector.</p> <p>Secondary</p> <p>For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.</p>	<p>Noted comments received and request made for S106 contributions for secondary education.</p> <p>Should permission be granted for the development, a S106 would need to be drafted to include these requests.</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>There are two 11-16 secondary schools in Melton Mowbray, these are The Long Field School and John Ferneley College.</p> <p>The schools have a total net capacity of 1900 and a total of 1979 pupils projected on roll should this development proceed; a deficit of 79 pupil places. A total of 7 pupil places are included in the forecast for these schools from S106 agreements for other developments in this area and have to be deducted. This reduces the total deficit for these schools to 72 (of which 69 are existing and 3 are created by this development). A claim for an education contribution in this sector is therefore justified.</p> <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 £47,729.37.</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 John Ferneley College and Long Field Academy.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p> <p>Post 16</p> <p>This nearest school to the site is Melton Vale Post 16 Centre. The College has a net capacity of 640 and 460 pupils are projected on roll should this development proceed; a surplus of 180 pupil places after taking into account the 1 pupil generated by this development. There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area to be deducted.</p> <p>An education contribution will therefore not be requested for this sector.</p>	
<p>Environment Agency</p> <p>No longer commenting on the discharge of surface water drainage conditions we requested prior to April 2015 as this responsibility has transferred to the Lead Local Flood Authority.</p>	<p>Noted.</p>
<p>Asfordby Parish Council</p> <p>No representations received.</p>	<p>Noted.</p>
<p>MBC Building Control</p> <p>Layout appears satisfactory for Fire and Refuge appliances.</p>	<p>Noted.</p>
<p>MBC Housing Policy Officer</p> <p>Although the 50%/50% split deviates from the recommended 80% rented/20% intermediate split in</p>	<p>The application form submitted states that the proposed development will include the following housing types:</p>

<p>the HEDNA (2017), it is acceptable for this site, due to the 11 affordable rented properties recently built (15/00201/FUL) adjacent to it.</p>	<p>Market Housing: 3x2 bed, 6x3 bed and 1x4 bed (10)</p> <p>Social Rented Housing: 3x2 bed (3)</p> <p>Intermediate Housing: 1x2 bed and 2x3 bed (3)</p> <p>It is considered that this proposed mix of housing is acceptable for the site and would be included in the S106 related to the application.</p>
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Representations:-

A site notice was posted to advertise the application and 8 neighbouring properties were consulted by letter. As a result, 2 representations of objection and one representation of support were received, which are summarised below.

Representations	Assessment of Head of Strategic Planning and Regulatory Services
<p>Support</p> <ul style="list-style-type: none"> • Proposed development is inevitable, however it is interesting to see how all the affordable housing across both phases has been “ghettoised” with the open LAP area in the bottom left, so is most accessible to the privately owned houses. Would be more beneficial for all residents for the estate to put it more centralised, or perhaps turn it into a children's play area, so that it can be used by all rather than just those who can afford their own houses? This would also allow the affordable housing to be spread out a bit more rather than all in one location. 	<p>Noted comments.</p> <p>It is often common practice for developers to locate affordable housing in one area and this is sometimes required by housing providers.</p> <p>The site forms part of the proposed site allocation in the emerging local plan. There is a proposed allocated site to the South of the application site (ASFH2) and further land available within ASFH1 which is contained within the site allocation area.</p>
<ul style="list-style-type: none"> • Thought would only be one phase, now phase 2 and is phase 3 and 4 to come/ • Crompton Road and Glebe Road will be made into a loop for traffic. • Alternative site next to Holwell which would be appropriate for development. • Other sites for development – approximately 80 new builds. • Know need houses but in a Hamlet with no shops, and full school with no room for expansion, no area for play area. • Was told there would be no road to link Glebe, Crompton and Stanton. 	<p>Noted. The application site forms part of the Local Plan allocated site ASFH1, which is being developed in phases.</p> <p>It is considered that through collecting evidence for the Emerging Local Plan that Asfordby Hill is appropriate for development. Notwithstanding this, the application site forms part of a proposed allocated site and therefore it is considered that the principle of development is acceptable.</p>
<ul style="list-style-type: none"> • Local residents not notified or considered. • Issues regarding conduct of contractors (parking, litter, etc). • Work has already started – has permission 	<p>Neighbouring properties were consulted in accordance with the statutory requirements, a site notice was posted to advertise the application and an advert was placed in the Melton Times.</p> <p>The conduct of contractors is not a material planning consideration.</p>

already been granted?	Work has started to the North of the site (phase 1) under planning permission 15/00201/FUL.
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Other Material Considerations not raised in representations:

Other Considerations	Assessment of Head of Strategic Planning and 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>Notwithstanding the above, the site is a proposed allocated site in the emerging Local Plan, which has undergone its Examination in Public.</p> <p>It is considered that development in this location would assist in boosting housing supply in a sustainable location.</p>
<p>The (new) Melton Local Plan Submission version.</p> <p>The Submission version (as amended by ‘Focussed Changes’) underwent its Examination In Public in January and 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); <p>and</p>	<p>Whilst the Local Plan has progressed it remains in preparation, it can be afforded only limited weight.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> • Examination results to be published and any ‘modifications’ to be the subject of consultation • Further examination to take place into Modifications • Final Inspectors Report and recommendations • Adoption by MBC

<p>● 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> <p>The application site forms part of allocated site ASFH1. The emerging local plan has stated that development on this site would only be supported when local educational capacity is available, or can be created through developer contributions.</p>	<p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved</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 and will be the subject of consideration by the Examination process.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>As stated above, developer contributions have been requested for this site in relation to education and are proposed to be included in the S106 agreement.</p>
<p>Asfordby Neighbourhood Plan</p> <p>In October, 2016 Asfordby Parish Council submitted its Neighbourhood Plan to Melton Borough Council. Melton Borough Council duly conducted a six week regulation 16 consultation, concluding on Wednesday 7th December, 2017. Following this, the Neighbourhood Plan, supporting documentation, and representations received during the consultation were sent to the appointed independent examiner. Following receipt of the Examiner's report, Melton Borough Council decided to advance the plan to referendum and subsequently conducted a referendum on the plan.</p> <p>However, following the result, the decision by Melton Borough Council to advance the plan to Referendum and the subsequent referendum were quashed by means of Consent Order endorsed by the High Court.</p> <p>Following this Order, Asfordby Parish Council have taken the decision to withdraw the Asfordby Neighbourhood Plan and formally notified Melton Borough Council of this on the 14th March 2018.</p> <p>A revised version of the NP was submitted in March 2018 and this is currently out to consultation under 'Regulation 16' for 6 weeks.</p>	<p>Following a legal challenge, the Asfordby Neighbourhood Plan (which also includes Asfordby Hill) was withdrawn.</p> <p>As a result, the Neighbourhood Plan has been resubmitted and will have to undergo a six week submission consultation, independent examination and referendum.</p> <p>The application site is not a proposed allocation in the Asfordby Neighbourhood Plan. It is a proposed allocation in the Emerging Local Plan and due to its status (having undergone Examination in Public), it is considered that the Local Plan currently carries more weight than the Neighbourhood Plan.</p>
<p>Design</p> <p>The proposed development would include two storey dwellings, ranging from 2 – 4 bedrooms (see Housing Policy Officer comments above for mix break down).</p>	<p>It is considered that the proposed layout of the development is acceptable, with appropriate amenity space provided for future residents. It is considered that the proposed designs of dwellings for the development are acceptable for the location and would reflect existing dwellings in the local vicinity.</p> <p>It is not considered that the proposed development would have a detrimental impact on the amenity of neighbouring occupiers by means of overlooking or overbearing.</p>

	<p>Comments have been received in relation to the LAP proposed for the development. Whilst this is not located centrally in the proposed development site, taking into account the proposed allocations in the emerging Local Plan and future potential development, it is considered that the location for this area is acceptable.</p>
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Conclusion:

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

The proposed development would provide housing on a site which has been allocated in the Emerging Local Plan. Additionally, the proposed development would provide a good mix of housing types and tenures (including social rented and intermediate housing), which have been identified as in need. Asfordby Hill is a location which is considered to perform well in sustainability terms and adequate access and parking can be provided.

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.

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 completion of an agreement under S106 for the amounts set out in the above report:
 - Education (secondary): £47,729.37
 - A scheme for the delivery of affordable housing
- (b) Conditions as set out below:
 1. The development shall be begun before the expiration of three years from the date of this permission.
 2. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
 3. The development hereby permitted shall be carried out in accordance with drawings numbered: PL-101, PL-104, PL-106, PL-111, received by the Local Planning Authority on 30 June 2017 and PL-120 B, PL-121 C, PL-122 B, PL-125 C, PL-126 B, PL-131 B, PL-132 B, PL-133 A and PL-134 A, received by the Local Planning Authority on 21st July 2017.
 4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
 5. 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.

6. 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.
7. No part of the development hereby permitted shall be occupied until such time as the access road arrangements shown on RDC drawing ref: RDC1073-PL-106 have been implemented in full. Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the road carriageway. The access drive once provided shall be so maintained at all times.
8. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been hard surfaced and provided in accordance with RDC drawing ref: RDC1073-PL-106. Thereafter the onsite parking provision shall be so maintained in perpetuity.
10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.
11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
12. Prior to the removal and replacement of the hedgerow to the southern boundary of the site, drawing(s) showing the location of the replacement hedgerow shall be submitted to and approved by the Local Planning Authority. The proposed replacement hedge shall be located outside the plot boundaries and shall be of native species only.
13. 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. The scheme shall include the utilisation of holding sustainable drainage techniques; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off onsite up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

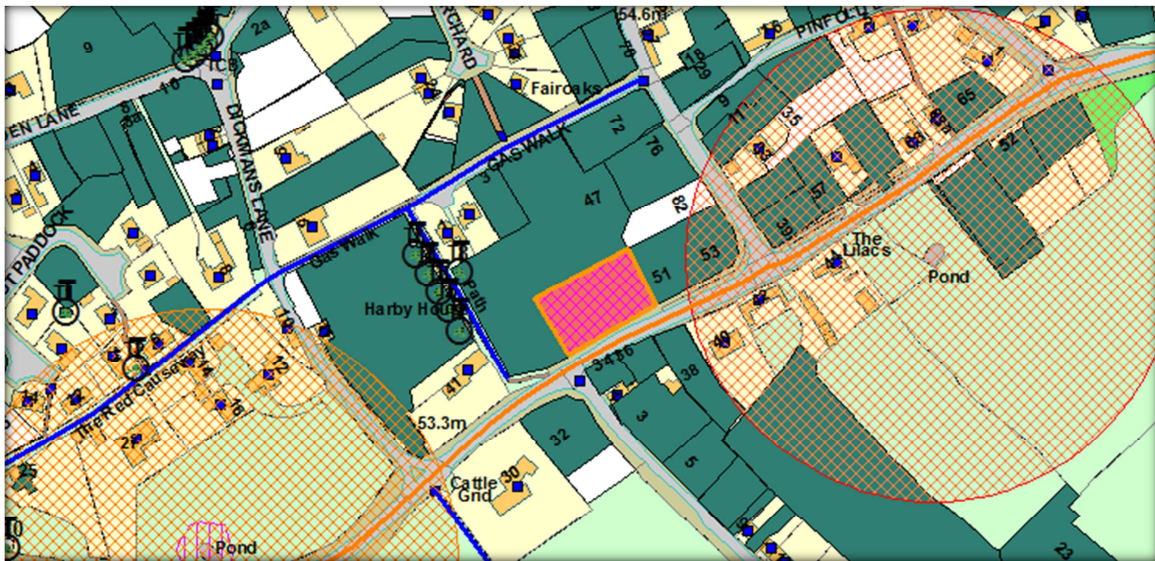
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Officer to Contact: Mrs Joanna Lunn

Date: 22nd March 2018

COMMITTEE DATE: 5th April 2018

Reference: 17/00044/FUL
Date Submitted: 15th January 2018
Applicant: Mr. Daniel Parnham
Location: Land adjacent to 51 Stathern Lane, Harby
Proposal: Erection of three dwellings



Introduction: - The application seeks full planning permission to erect three dwellings to the south of Harby with access off Stathern Lane.

They are proposed to face onto Harby Lane and have access to the front with a garage each and two off street parking spaces. The dwellings have pitches dormers to the front, oak frame porches/covered areas. Materials have been proposed as:-

- Bricks:- Baggeridge Wienerberger Oast Russet
- Stone:- Random coursed ironstone
- Tiles:- Sandoft Arcadia Clay pantiles and Sandoft Goxhill Clay Rosemary Tiles

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

- **Compliance or otherwise with the Development Plan, Clawson, Hose and Harby Neighbourhood Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon highway safety**
- **Impact on amenity of nearby residential occupiers.**

The application is required to be presented to the Committee due to the level of public interest. Councillor B Rhodes has also requested that the application be determined by the Committee.

Relevant History:-

None

Planning Policies: -

Melton Local Plan (saved policies):

Policy OS1 – allows for development within the town and village envelopes providing that (amongst other things):-

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing developments in the vicinity.

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.

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:
 - o 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
 - o 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)

Consultations:-

Consultation Reply	Assessment of Head of Strategic Planning and Regulatory Services
<p>Clawson, Hose and Harby Parish Council The Parish Council has no objections to this application with the following conditions:</p> <ul style="list-style-type: none"> • Any further permitted development rights should be removed; • These plans are adhered to and not changed in the future; • Building materials should be similar to those already used in Harby and vary between the 3 dwellings; 	<p>It has been deemed that this is not necessary as any permitted development would not impact upon the character of the area nor residential amenities.</p> <p>A standard condition on ensuring the development is built in accordance with the plans will be provided.</p> <p>Materials have been provided on the plans and have been acceptable that will fit in well to the local area.</p>

<ul style="list-style-type: none"> Each dwelling should have 3 parking spaces as specified in the Neighbourhood Plan Policy T4 	<p>The parking requirements will be in line with the 6cs Design Guide which is considered the lead document on parking standards. Three spaces have been provided for the scheme comprising two off street and a garage.</p>
<p>LCC Highways <i>Background</i> The Local Highway Authority has previously responded on this application to advise that additional information was required on visibility splays and the proposed access widths. The following additional drawings have now been received and reviewed by the Local Highway Authority: - Proposed Block Plan (dated 15 March 2018) - Visibility Splays (dated 15 March 2018)</p> <p><i>Site Access</i> The site access widths have now been detailed as being 3.75m, to take into account the fence line on either side of the access which would require an additional 0.5m clearance on either side. The vehicular visibility splays are acceptable given the 30mph speed limit of the road. Pedestrian visibility splays have also been shown, which are acceptable on the basis of the proposed parkland type fencing which have sufficient gaps between railings.</p> <p>The LHA therefore advises that the access arrangements are secured through planning condition.</p> <p><i>Internal Layout</i></p> <p>As per previous highways observations, the LHA considers that the proposed parking provision and layout is considered acceptable. The LHA advises that these facilities are secured through planning condition as per below.</p>	<p>The application seeks full consent for a development of 3 dwellings.</p> <p>It is proposed that each house will have its own access onto Stathern Lane akin to the arrangements to similar properties along this road. Each house will have its own turning area as indicated on plan.</p> <p>The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development and that a safe access point can be provided.</p> <p>There is no objection raised to the proposal on Highway safety grounds.</p>
<p>MBC Building Control Layout is acceptable in respect of fire and refuge appliance access.</p>	<p>Noted</p>
<p>Cadent Gas Network Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.</p>	<p>The plan provided shows that the development will not be impacted by the pipework close to the site.</p>

Representations:-

A site notice was posted to advertise the application and 7 neighbours consulted by letter. As a result, 12 representation of objection from 10 households have been received for the application.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<p>Highways</p> <ul style="list-style-type: none"> The proposal will result in parking on the highway to some extent, which will make the junction with Green Lane considerably more dangerous. 	<p>The parking arrangements have been deemed to accord with 6cs Design Guidance and that contained within the Neighbourhood Plan.</p>

<ul style="list-style-type: none"> The section of Stathern Lane where the development is proposed has been a concern in relation to traffic problems for a number of years. Village meetings have been held to discuss ways of reducing risk along this section of road. The road narrows here, and because it bends there is reduced visibility whichever direction you are travelling. Add to that the hazard caused by drivers exiting Green Lane and the risk these drivers face attempting to join traffic on Stathern Lane. At the moment these drivers have virtually no view east along Stathern Lane so this is always a hazardous exit, and into this scenario you are adding other vehicles coming from opposite. The proposed development will heighten the traffic risk. Vehicles leaving the new houses will push vehicles travelling east onto the opposite lane at just the point where we , in number 36, may be exiting our drive trying to see what traffic is coming around the corner of our house.. There is likely to be more on-road parking in this area as the proposed development will occupy an area formerly used by visitors. 	<p>Despite the localised concern, it is deemed that this stretch of road would not be unduly impacted by the proposed location of three new homes.</p> <p>There are many houses along Stathern Lane that have this arrangement of parking and the development proposes sufficient turning area in a safe manner not be a severe impact on highway safety.</p>
<p><i>Neighbourhood Plan</i></p> <ul style="list-style-type: none"> An unsustainable addition to The Clawson, Hose and Harby Neighbourhood Development Plan. I would also add that there are sites allocated within the neighbourhood plan for development and this does not seem to be one of them. 	<p>Harby represents a reasonably sustainable location for new housing and accords with various neighbourhood planning policies. The development proposed is within the limits to development in the village (Neighbourhood plan policy H3).</p> <p>It is accepted that this site is not an allocated on within the neighbourhood plan but it does point that various windfall developments would be acceptable which this is.</p>
<p><i>Design</i></p> <ul style="list-style-type: none"> Generate an enclosed street scene that would be overbearing. 	<p>The development proposes houses with ample front gardens that afford a less 'enclosed street scene'. This pattern of development is present throughout this stretch of Harby, the proposal is not considered to sit at odds with the surrounding street scene and could harmonise well through the use of materials that are found within the wider village.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> The main living space in our home is along the front of the property with 3 windows looking out onto Stathern Lane. The occupants of at least 2 of the proposed houses would have a direct view into our living room from within their properties. Likewise on the first floor we have 2 bedrooms looking out on Stathern Lane, one of which is our master bedroom, and once again people in new buildings opposite would have an unrestricted view into these rooms. 	<p>The distance from the first floor windows of the properties proposed to the windows of the properties over the road at number 36 Stathern Lane is 15m. This is recognised to be somewhat short of the desired amount for an acceptable privacy relationship. However, there are other properties along Stathern Lane that have this relationship and therefore deemed acceptable in this instance. It not be deemed to be a sole reason to reject the scheme, and it is often the case that street fronting windows are sometimes not able to achieve a 20 metre separation distance to the front elevations.</p>

<ul style="list-style-type: none"> At present we have some lack of privacy but it is transient as pedestrians walk past our house. This is usually on the pavement on the other side of the road, as the near side pavement is very narrow. New buildings on the other side of the road changes this. You should also consider that there is no front garden to our property that could act as a buffer zone, so the distance between our house and the proposed houses is very small. There is no garden hedge or row of trees to block the view. While there are trees on the opposite side of the road, which I believe will remain, for a large part of the year they have no foliage and so do not act as screen. Concern over the noise and disruption we will suffer during the building phase, again taking into account the close proximity of plot 3 	<p>As above</p> <p>It is deemed that the front garden of the houses proposes a big enough buffer from the front rooms of the houses proposed.</p>
<p>Drainage</p> <ul style="list-style-type: none"> The main drain sits on Stathern Lane near the corner of our house. It doesn't take much rain for a large puddle to develop here and traffic going through it throws dirty water against our house. Severn-Trent has not solved this problem so it is of concern that an increase in impermeable surfaces is planned , along with designs aimed at getting water off the surface quickly (sloping roofs , gutters etc.) and into a drainage system that isn't coping as it is. 	<p>This is noted and it is not deemed that the additional three houses will make this situation worse. Severn Trent has a statutory duty to ensure that any drainage will be suitably installed.</p> <p>A condition on this will be placed on the development.</p>
<p>Green space</p> <ul style="list-style-type: none"> It seems a strange time to consider getting rid of a dwindling area in the village in the context of the recent Neighbourhood Plan. The proposal would also seem superfluous in view of the extensive housing already agreed for elsewhere in the village. This is one of the few remaining green space within the village. 	<p>The open space has been assessed as part of a wider appraisal which has been considered to have a poor relationship with Harby and potential to improve the greenspace. Having a limited functionality and the aforementioned issues means that on balance developing this for much needed three bedroom properties is deemed to be a substantial benefit for this parcel of land.</p>

Other Material Considerations Not raised In Representations:-

Other Considerations	Assessment of Head of Strategic Planning and Regulatory Services
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017. The examination in public was heard in January 2018 with proposed modifications required.</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>	<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 but this is quite limited at this stage.</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 Harby as a ‘Service Centre’, which will accommodate 35% of the total need for Melton. Unallocated development which includes this development planning permission for up to 10 dwellings will be granted.</p>	
<p>Neighbourhood Plan</p> <p>The CHH Neighbourhood Plan has successfully completed Examination and passed referendum on the 15th February 2018.</p> <p>POLICY H3: LIMITS TO DEVELOPMENT – Development proposals within the Limits to Development, or in terms of new community facilities close or adjacent to the Limits to Development in will be supported where they comply with other policies in this Plan in general, and with Policies H7 and H8 on particular.</p> <p>NP POLICY H5: HOUSING MIX is applicable New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the villages of Harby, Hose and Long Clawson. Priority should be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people, including 2 and 3 bedroom bungalows and dwellings suitable for those with restricted mobility;</p> <p>NP POLICY H7: HOUSING DESIGN is considered to be applicable and requires development to</p> <ul style="list-style-type: none"> ● the design should enhance and reinforce the local distinctiveness and character of the area in which it is situated, ● show how the general character, scale, mass, density and layout of the site, or the building/s/extension fits in with the character of the surrounding area; ● enjoy appropriate garden space; ● not disrupt the visual amenities of the street scene nor harm any significant wider landscape views ● be designed to respect and respond positively to the visual character and the architectural massing 	<p>The proposal is in accordance with the CHH Neighbourhood Plan. It is considered this compliance adds weight in support of the proposal, the site is allocated within the neighbourhood plan and provides 3 bedroom properties which represents the second highest required bedroom amount according to the Housing Needs Study.</p> <p>The plans and information submitted show a design suitable for the location that would harmonise well amongst those already in the local area using a sympathetic materials pallet.</p>

<p>of the neighbouring area.</p> <ul style="list-style-type: none"> • adequate off-road parking should be provided • minimise the impact on general amenity and give careful consideration to privacy, noise and light, and include appropriate provision for the storage of waste and recyclables • within new residential layouts provision should be made for wildlife • incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency; • incorporate sustainable drainage systems <p>HOUSING POLICY H8: STREET LIGHTING AND LIGHT POLLUTION - Proposals for new housing development will be supported where they avoid the use of artificial street lighting. Where the use of street lighting is necessary on safety grounds new housing developments will be supported subject to the following criteria in relation to street lighting:</p> <ul style="list-style-type: none"> • street and curtilage lighting should use low consumption technology and be installed at low level, shaded and maximally controlled including by the use of movement sensors; • lighting installations should be sympathetic in design and luminosity to the surrounding area and generate the minimum level of lighting to address the safety issues identified; • maximum light spillage onto bat foraging corridors should be 1 lux; • new development should incorporate external street and common area lighting limited to that necessary to provide essential visibility for pedestrians, and equipment should be designed and rated to avoid light pollution in the remote rural locations of the three villages; • light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient; new street lighting should be modest in scale and appropriate to the rural setting. 	
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Conclusion:-

The development proposed is for a relatively small scale residential development of the type required in the local area. The design is sympathetic to Harby and has raised no objection from the Leicestershire County Council highways authority provided that stringent conditions are adhered to.

Whilst the Local Planning Authority feels it can demonstrate a five years supply of housing sites, this should be not treated as a minimum. As this application will improve an open space with disused hard standing to three well designed dwellings in a sustainable location the proposal is viewed as acceptable that accords with local, neighbourhood and national planning policies.

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. 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 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. The development shall be carried out in strict accordance with the approved details.
3. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Architecture & Design drawing Proposed Block Plan (15 March 2018) have been implemented in full.
5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Architecture & Design drawing Proposed Block Plan (15 March 2018). Thereafter the onsite parking provision shall be so maintained in perpetuity.
6. 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 gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular accesses.
7. The development hereby permitted shall be carried out in accordance with drawings PROPOSED BLOCK PLAN, ELEVATIONS and FLOORPLANS received by the Local Planning Authority on 20th February 2018.

The Reasons for these conditions are as follows:-

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. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
4. 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.
5. 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.
6. 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.
7. For the avoidance of doubt.

Officer to Contact: Mr. Glen Baker-Adams

Date: 22.03.2018

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COMMITTEE DATE: 5th April 2018

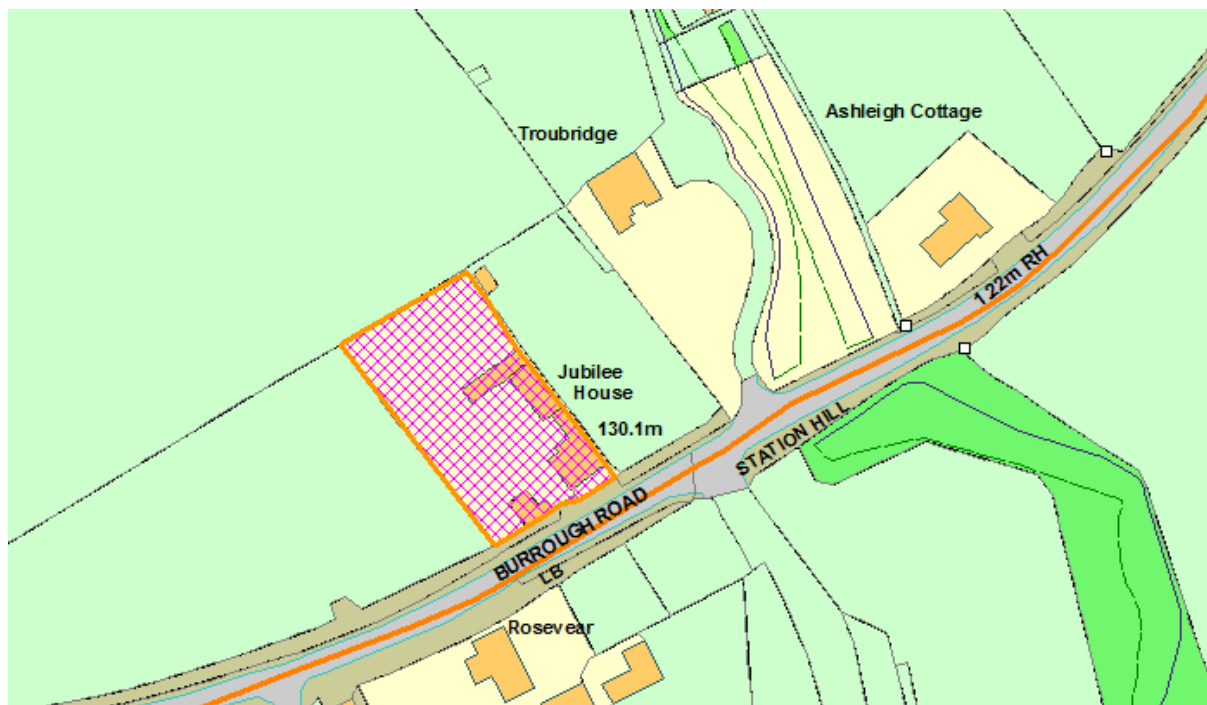
Reference: 17/01508/FUL

Date Submitted: 4 December 2017

Applicant: Mr & Mrs Waldron

Location: Jubilee House, Station Road, John O Gaunt

Proposal: Conversion of existing stables and rear extension to form a new dwelling



Introduction:-

The application seeks full planning permission to change the use of an existing stable block to a dwelling and erect an extension to the rear of the building proposed to be converted. It is proposed that the existing 4 unit stable building will be converted and extended to create a two storey 3/4 bed dwelling with separate access and curtilage than the host dwelling (Jubilee House). Access will be from Station Hill, using an existing access granted in 2001.

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

- Compliance or otherwise with the Development Plan and the NPPF
- Impact on highway safety
- Impact on amenity of neighbouring residential occupiers
- Sustainable development
- Impact on open countryside.

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

Relevant History:-

01/00184/FUL – Proposed Roadside Access – Permission Granted.

01/00682/FUL - Proposed reconstruction of first floor groom's quarters together with garage and prefabricated loose boxes – Permission Refused and Appeal Dismissed. The original application was refused permission for the following reason: *The proposal is contrary to Melton Local Plan Policies OS2, C10 and Leicestershire Structure Plan Strategy Policy 4 as it represents built development in the open countryside for the purpose of creating new residential accommodation that is not essential for the operational requirements of either agriculture or forestry.* The application was later dismissed at appeal. The Inspector noted that the existing stable block “complements and respects the scale of Jubilee House” and that a first floor extension would increase the visual impact of development on open countryside despite existing screening from trees, shrubs and hedges. The Inspector considered that the development would be “significantly detrimental to the rural character and appearance of the countryside”, stating that there “*would be harm to the character and appearance of the countryside because the proposal as a whole would add to the visual impact and in my opinion would intensify and consolidate development, making it appear cramped within the restricted curtilage of Jubilee House*”,

02/00955/FUL - Proposed house alteration/extension. Demolition of existing rear entrance lobby/toilet/utility room and replace with new rear entrance lobby/cloakroom/utility room/family room – Permission Granted

Planning Policies:-

Melton Local Plan (saved policies)

Policy OS2 - does not allow 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, and small scale development for employment, recreation and tourism and change of use of rural buildings.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings (including height, form, mass, siting, materials and details), 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 C7 – Outside village envelopes, planning permission will not be granted to reuse and adapt a rural building for residential use unless it is to be used as an agricultural or forestry workers dwellings, or to provide affordable housing and several criteria are met. These include that the building is of permanent, substantial and sound construction, the form, bulk and general design is in keeping with its surrounding, any conversion work respects local building styles and materials, the traffic to be generated by the new use can be safely accommodated by the site access and the local road system, there is sufficient room in the curtilage of the building to park the vehicles of those who will live or visit there without detriment to the visual amenity of the countryside, and no fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it will be erected which would harm the visual amenity of the countryside.

Policy C11 - planning permission will be granted for extensions and alterations to existing dwellings outside the town and village envelopes shown on the proposals map provided the size, scale, form, design and construction materials are in keeping with the dwelling and locality.

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.

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.

The 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 Strategic Planning and Regulatory Services
<p>LCC Ecology</p> <p>The ecology report submitted in support of this application (Curious Ecologists, January 2018) 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. We would also recommend that the applicant is required to provide replacement swallow nesting sites within a suitable outbuilding on site.</p>	<p>Noted. An informative can be added, should permission be granted.</p>
<p>LCC Highways</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011</p>	<p>Noted.</p> <p>The access for the building onto Station Hill will be located where the previous access was granted permission in 2001.</p> <p>It is considered that there is appropriate parking and access to the proposed development.</p>
<p>Twyford and Thorpe Satchville Parish Council</p> <p>No comments received.</p>	<p>Noted.</p>

Representations:-

One letter of notification and a site noticed was posted to advertise the application. Representations in support from 9 separate addresses have been received, which are summarised below.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<ul style="list-style-type: none"> • Conversion will improve charm of current property and enhance. • No harm to the landscape/ rural setting. • Not visible from the road. • Smaller dwelling will encourage younger families to stay in country and get on property ladder. • Additional dwelling without harming the environment. 	<p>Further consideration of the design of the proposed development is given below.</p>

<ul style="list-style-type: none"> • Make use of a redundant building – not suitable for horses due to the main road. • No impact on neighbours. • Previous development on site. • Lack of bungalows in rural community – development is necessary for applicant. • Designed for potential care facilities in the future. • Single storey dwelling – help with disability/ age. • Need to keep mix of age groups in the hamlet. 	<p>The building does not directly face onto the main road and therefore it is unclear how the road (which is historic) would have an impact on the stables not being suitable for equestrian use.</p> <p>Noted</p> <p>The previous planning history of the site has been listed above, including a previous refusal and dismissed appeal of the building proposed for conversion/ extension.</p> <p>The personal circumstances of the applicant cannot be taken into consideration when determining the application.</p>
<ul style="list-style-type: none"> • Applicants are long term residents. • Allow residents to stay in the hamlet. • Upstanding couple/ active members of community. • Applicant wouldn't need to move from the area. 	<p>These matters are not considered to be material considerations to take into account when determining the application, for the purpose of the planning decision, the application proposes an open market dwelling that the LPA cannot control the ownership of.</p>

Other Material Considerations not raised in representations:

Other Considerations	Assessment of Head of Strategic Planning and 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>

The (new) Melton Local Plan – Pre submission version.

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.

The NPPF advises that:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- 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).

The Pre Submission version of the Local Plan identifies John O’Gaunt 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.

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.

Draft Policy D1 provides a number of criteria that development should be assessed against, including:

- a) Siting and layout must be sympathetic to the character of the area
- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design
- d) Amenity of neighbours and neighbouring properties should not be compromised.
- f) Sustainable means of communication and transportation should be used where appropriate,
- i) Proposals include appropriate, safe connection to the existing highway network

Whilst clearly the Local Plan has progressed by advancing to Examination stage, it remains in preparation and as such can be afforded only limited weight.

The proposal is contrary to the emerging local plan as John O’Gaunt is not considered to be a sustainable location for new development. Draft Policy SS3 requires that development would be served by sustainable infrastructure or provides new infrastructure or services to the wider benefit of the settlement.

Although the proposed development would result in the addition of one new dwelling, it is not considered that this development has been demonstrated to satisfy an unfulfilled need (for example affordable housing) nor would improve the sustainability of the hamlet.

Policy SS2 of the Local Plan states that “Outside the settlements identified as Service Centres, and those villages identified Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.”

It is therefore considered that the new Local Plan adds limited weight towards refusal of the application.

<p>k) Makes adequate provision for car parking</p> <p>Draft Policy IN2 relates to Transport, Accessibility and Parking. This states that all new developments should, where possible, have regard to (including):</p> <ol style="list-style-type: none"> 1. Be located where travel can be minimised and the use of sustainable transport modes maximised, 2. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, dedicated walking and cycling links and cycle storage/ parking links and integration with existing infrastructure. 	
<p>Design</p> <p>The proposed development would involve the conversion and extension of an existing stable block to the rear of the existing dwelling.</p> <p>It is proposed that the two storey extension to the rear of the building will project 11.06m and have a width of 7.67m and maximum height of 6.544m.</p> <p>It is also proposed that a detached garage with car port will also be erected. It is proposed that the proposed garage would have a length of 6m and width of 3.165m and the car port would add an additional width of approximately 3m. It is proposed that the garage would have a height of 3.804m (maximum).</p> <p>No specific details have been provided as to the proposed boundary treatments that will be used to separate the curtilages of Jubilee House and the new dwelling.</p>	<p>As highlighted in the property history above, a previous planning application had been refused and dismissed on appeal for the upward extension of the existing stable block, which was considered to be detrimental to the open countryside.</p> <p>It is considered that the extension as proposed in this application would also have a detrimental impact on the open countryside (as considered by the appeal Inspector).</p> <p>The existing stable block has a length of 15.85m and width of 4.5m (approximately) and is single storey.</p> <p>It is considered that the proposed two storey extension to the existing single storey building, with a much larger footprint than the original building would be a disproportionate addition to the building and would not be considered subordinate to the original building, where extensions are proposed they should harmonise well with the existing and sit unobtrusively on the land.</p>

Conclusion:-

The Borough is considered to have an adequate housing land supply. Whilst the site would add to this one dwelling, the contribution it would make is very 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). It is not considered that this one dwelling proposed would be of significant benefit which would outweigh the harm of the siting of a development in this unsustainable location.

John O’Gaunt 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 John O’Gaunt 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 it is proposed that the development will involve the conversion of the stable block, a large two storey extension is proposed to the existing single storey building. It is considered that this proposed extension, and the proposed detached garage with car port, would result in a significant over development of the site. The

development of the site and its impact on open countryside is an issue which has been raised previously at appeal in 2001.

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 hamlet, design of the proposal and the conflict with the 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, including the unsustainable location of the proposed development and proposed design and impact on the character and appearance of the open countryside, permission should be refused.

Recommendation: Refuse, for the following reasons:

1. The proposed extension, by reason of its scale, size and massing, would not be sympathetic to the character and appearance of the site and wider countryside. The proposal is therefore considered to be contrary to saved Policies OS2, C11 and BE1 of the adopted Melton Local Plan and to the National Planning Policy Framework regarding 'Requiring Good Design'. It is considered that the harm arising from the development significantly and demonstrably outweigh the benefits.
2. The proposed new dwelling would be sited in an unsustainable location with poor accessibility to local services, community facilities and frequent public transport. Future occupiers of the development would lack viable transport alternatives and thereby be overly reliant on the use of a private motor vehicle. 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. The identified harm significantly and demonstrably outweighs the proposal's benefits.

Officer to contact: Mrs J Lunn

Date: 26th March 2018