



Rural Capital of Food

Agenda

Meeting name	Planning Committee
Date	Thursday, 5 July 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. Posnett (Vice-Chair)
	P. Baguley	T. Bains
	G. Botterill	P. Cumbers
	P. Faulkner	M. Glancy
	T. Greenow	E. Holmes
	B. Rhodes	

Quorum: 4 Councillors

Meeting enquiries	Development Control
Email	externaldevelopmentcontrol@melton.gov.uk
Agenda despatched	Wednesday, 27 June 2018

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the previous meeting on 14 th June 2018	1 - 22
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	23 - 24
4.	SCHEDULE OF APPLICATIONS	
4 .1	18/00360/FULHH Westbury, Hose Lane, Long Clawson	25 - 30
4 .2	18/00407/FUL Gates Nurseries And Garden Centre, Somerby Road, Cold Overton	31 - 40
4 .3	18/00531/OUT Land off Craven Street, Melton Mowbray	41 - 48
5.	URGENT BUSINESS To consider any other items that the Chair considers urgent	
	SITE VISIT INSPECTION SCHEDULE 02.07.18	49 - 50

Minutes

Meeting name	Planning Committee
Date	Thursday, 14 June 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
T. Bains	P. Cumbers
P. Faulkner	M. Glancy
T. Greenow	E. Holmes
L. Higgins (Substitute)	A. Pearson (Substitute)

Observers

Officers

- Assistant Director for Strategic Planning and Regulatory Services
- Planning Officer (GBA)
- Planning Officer (JL)
- Administrative Assistant (KS)

Minute No.	Minute
PL7	<p>Apologies for Absence Cllr Rhodes, substituted by Cllr Pearson Cllr Botterill, substituted by Cllr Higgins</p>
PL8	<p>Minutes Minutes of the meeting held on 24.05.18</p> <p>Approval of the minutes was proposed by Cllr Posnett and seconded by Cllr Greenow. It was unanimously agreed that the Chair sign them as a true record.</p>
PL9	<p>Declarations of Interest Cllr Higgins stated that as he is Ward Councillor for Somerby, he would abstain from the vote on application 16/00615/OUT</p>
PL10	<p>Schedule of Applications The Chair asked Members if they would take Item 6 first. This was proposed by Cllr Higgins and seconded by Cllr Holmes. It was unanimously decided that Item 6 would be discussed first.</p> <p>Item 6: 18/00001/TPOMBC: Village Green, High Street, Waltham on the Wolds</p> <p>(a) The Assistant Director of Strategic Planning and Regulatory Services presented the report.</p> <p>(b) Martin Lusty, on behalf of the Parish Council, was invited to speak and stated that:</p> <ul style="list-style-type: none"> • Neighbourhood Plan established green as important setting • Setting of 5 listed buildings • Trees out of setting • Continuous expense to maintain • Out of scale • Overgrown and interfere with heritage setting <p>A Cllr asked how all members of the Parish Council felt.</p> <p>Mr Lusty stated that it was a unanimous vote.</p> <p>Cllr Holmes stated that she would prefer to confirm the TPO and lop only the lower branches. Cllr Holmes proposed to confirm the TPO.</p> <p>Cllr Baguley seconded the proposal and stated that the trees are an important part of the street scene.</p> <p>A Cllr stated that they agreed with the Parish Council. To confirm the TPO would</p>

cause more issues in the future. Suggested that if the trees are removed the Ward Cllr and community should be worked with on the replacement.

A Cllr had concerns on the trees growing taller and if remedial work had to be done such as cutting the top of the trees, they would look ugly.

A Cllr stated that they would be expensive to take down.

A vote to confirm the TPO was taken. 2 Members voted in favour, 8 Members voted against, and 1 Member abstained.

Cllr Posnett proposed to accept the officer's recommendation.

Cllr Greenow seconded the proposal.

A vote was taken. 9 Members voted in favour. 2 Members voted against.

A Cllr stated that they would prefer to confirm the TPO and should lop the bottom branches.

DECISION: That the Tree Preservation Order should not be confirmed.

PL10.1

17/01577/OUT

Applicant: Davidson Homes And Mr McNulty

Location: The Old Clay Pit, Grantham Road, Bottesford

Proposal: Outline application (access included) for residential development of up to 40 dwellings

(a) The Assistant Director of Strategic Planning and Regulatory Services presented the report and provided an update as follows:

- It had been deferred to undertake a site visit which took place Monday, noting the extent of vegetation, the point of access, presence of knotweed and the proximity and slope towards the river
- The applicant has provided further detail of the site investigation work they carried out and this has been added to the report on its second page
- Regarding enquiries about compaction owing to the former use of the site, a Geo Technical report has identified that there is such a risk and therefore measures need to be included in the foundation design to reach the underlying strata. This would take the form of more detailed surveys leading to identification where piled foundations and a backfill is needed, and suspended floors to allow for escape of ground gases.
- Affordable Housing is proposed at 32% rather than 37% as stated, in order to be in accurate compliance with the Local Plan Policy requirement.

(b) Bob Bayman, on behalf of the Parish Council, was invited to speak and

stated that:

- The PC has changed its position on the application since it submitted its written comments
- Development has changed from 1 combined site between 2 developers to 2 separate sites
- Compaction problem
- Contamination issues
- Knotweed issue has not been addressed
- Affordable homes decreased from 37% to 32%

A Cllr asked how the site is separated and stated that the Committee is not judging the entrance and all other factors, however suggested that it could be conditioned for the full application.

Cllr Bayman explained that 2 sites had been put in separately but the Local Plan had brought them together, which is better. There is no link between the two. There should be one entrance into one site.

(c) Joyce Farnese, on behalf of Mrs Woollard (objector), was invited to speak and stated that:

- The site was formally a landfill tip
- There are contaminants on site
- Knotweed present and impossible to eradicate
- Vehicles on site pass through and deposit throughout village
- Instability of tip contents requires piling
- Soil needs to be removed for building disturbing toxins
- Corby case – toxins and contamination caused limb deficiencies in unborn children

(d) Jamie Pyper, the agent, was invited to speak and stated that:

- Client sought to engage with landowner of adjacent land however they are not willing to engage
- Collaboration could be made in the future
- With appropriate mitigation the site can be built upon with no issues with contamination
- Environment Agency satisfied
- Conditions can be added
- Knotweed treatment is in hand and can be conditioned
- 32% affordable housing is in accordance with policy

A Cllr asked if the 32% affordable housing will be dependant on site cleaning and if there would be an impact.

Mr Pyper stated that the figure had been decided on an informed basis and is viable, and the client is prepared to deliver 32%.

A Cllr asked for confirmation that remedial works have been started on the

knotweed.

Mr Pyper stated that works are due to start this month.

A Cllr asked for confirmation that the treatment would be complete before building work.

Mr Pyper stated that it would have to be as there is a condition that the site must be cleared of all knotweed.

A Cllr asked how deep the pit is and how deep piling would be.

Mr Pyper stated that the application is outline and those details would be submitted at the reserved matters stage. Until the layout is confirmed location of piling cannot be confirmed.

The Assistant Director of Strategic Planning and Regulatory Services stated that although the Local Plan addresses the site as a single site it is not yet adopted. The application is in outline and the indicative plan may not look the same at a later stage. The knotweed can be resolved as on other sites and does not have to be eradicated completely before works commence. In terms of the Corby case, they were guilty of negligence because they did not consider impact of contamination – we believe we are providing the necessary diligence in this case. The depth of piling is referred to on page 2 of the report with 5.4m being the deepest.

Cllr Higgins proposed to permit the application provided that 32% affordable housing is insisted on, and there is a mix of 2 and 3 bed homes. The contaminants can be chemically cleaned up and conditions need to be enforced and monitored.

Cllr Cumbers seconded the proposal and asked for the inclusion of a play area.

Cllr Higgins accepted this.

The Chair asked to include the conditioning of working and delivery hours.

Cllr Higgins accepted this.

A Cllr asked if there would be an education contribution.

The Assistant Director of Strategic Planning and Regulatory Services stated that a full contribution will be made via s106 as per the report.

Cllr Higgins stated that linking the two sites would be better and added that a condition be included requiring a link between the sites depending upon the coordination between the parties concerned (wording delegated to the Assistant Director of Planning and Regulatory Services, depending on the circumstances).

A vote was taken and it was unanimously decided that the application should be

approved.

DECISION: PERMIT, subject to:

(a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:

- Contribution for the improvement to library facilities.
- Contribution to facilitate the increased capacity of Bottesford Belvoir High School
- Contribution to sustainable transport options
- Contribution to maintenance of open space
- The provision of affordable housing at 32%, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs
(all as set out in the report)

(b) the conditions set out in the report;

(c) additional conditions requiring:

- a housing mix with significant proportion of 2 and 3 bedroom dwellings
- Limitations on working and delivery hours;
- The inclusion of a play area;
- a link between the sites depending upon the coordination between the parties concerned (wording delegated to the Assistant Director of Planning and Regulatory Services, depending on the circumstances)

REASONS: 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. Bottesford is considered to be a highly sustainable location having access to employment, health care facilities, primary and secondary education, local shops, and regular bus and train services. It is considered that these 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 system.

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.

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 impact upon character are considered to be of limited harm.

This is because, in this location, 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.

PL10.2

17/00250/OUT

Applicant: Mr H Daybell

Location: Daybells Farm, Bottesford

Proposal: Outline application for the erection of 18 dwellings and associated infrastructure.

(a) The Planning Officer (JL) presented the report.

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

- Provision of smaller homes is welcomed
- Close to heart of village and amenities
- Footpath will be maintained
- 41 homes too many, should be agreed at current state

(c) Danny O'Connell, an objector, was invited to speak and stated that:

- Adverse impact on neighbouring properties
- High density
- Neighbouring properties overlooked
- Distance less than 17m
- Too small an area
- Limited garden amenity space
- Defer application to prepare revised site plan
- No. of dwellings should be decreased

A Cllr asked the location of neighbouring houses from the location boundary.

Mr O'Connell stated it was 12m in some cases.

(d) Herbert Daybell, the applicant, was invited to speak and stated that:

- Low density proposal
- Footpath remains
- Landscaped amenity area
- Central location near local amenities
- No concerns from technical consultees
- Highways satisfied
- Addresses needs of village
- Mix of bungalows and houses, and affordable homes

A Cllr asked how the neighbours' boundary concerns can be satisfied.

Mr Daybell stated that the application is indicative and can be revised.

A Cllr asked if a play area was included.

Mr Daybell confirmed he was happy to include one.

The Planning Officer (JL) stated that the housing mix and layout is not finalised and condition 4 stated that the reserved matters application needs to provide a mix of size and type. The layout is only indicative and needs to be confirmed.

The Assistant Director of Strategic Planning and Regulatory Services stated that there is no requirement in law to demonstrate the capacity but the decision needs to be reasonable so we need to be satisfied the quantity can be accommodated, whether or not by the indicative layout. The Committee can use its judgement to determine if the site is capable of providing 18 dwellings.

Cllr Holmes proposed to permit the application as the site is close to amenities.

Cllr Posnett seconded the proposal to permit as it is well thought out and the closeness to amenities is what is needed.

A Cllr had concerns on the affordable housing and the size of the properties.

The Assistant Director of Strategic Planning and Regulatory Services stated that housing associations only take on houses built to prescribed standards.

A Cllr asked for clarification on the figures for education as it was previously 672 places but is now 720.

The Planning Officer (JL) stated that the updated figures were received that day. They have moved on because of other permissions granted in the intervening period.

A Cllr asked if the proposer and seconder would consider adding a condition to find a solution for the neighbouring properties as the gardens are too close and this will affect the amenity of those properties. It is also important to have a good housing mix.

The Assistant Director of Strategic Planning and Regulatory Services advised that a condition could be applied stating the reserved matters application must not show any houses within 10m of the boundary.

A Cllr asked if a play area could be included.

A Cllr responded that there is a football field and play area within a few yards, and a big play area within 30/40 yards of the development.

A Cllr asked if condition 4 regarding the housing mix could be strengthened and refer specifically to 2 and 3 bed homes.

Cllr Posnett stated that she did not think this was necessary and could be looked into at reserved matters stage.

A vote was taken and it was unanimously decided that the application should be approved.

DECISION: PERMIT, subject to:

(a) The completion of an agreement under S106 for the following:

- (i) Affordable housing provision for 7 units.**
- (ii) Contribution to facilitate the increased capacity of Bottesford Belvoir High School of £53,807.27**

(b) Conditions, as set out in the report

REASONS: 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. Bottesford is considered to be a highly sustainable location having access to employment, health care facilities, primary and secondary education, local shops, and regular bus and train services. It is considered that these are material considerations that weigh in favour of the application. In addition to this, the application site forms part of BOT1, a proposed allocated site in the emerging Local Plan and will help to deliver housing in the Borough.

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

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.

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 impact upon character are considered to be of limited harm.

This is because, in this location, 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.

PL10.3

17/01549/FUL

The Committee had a break at 7.42pm and reconvened at 7.47pm

Applicant: Mrs Cheryl Hibbert and Mr Christopher Greasley

Location: Land off Station Road, Bottesford

Proposal: Erection of 4no dwellings (amended layout and house types)

- (a) The Planning Officer (GBA) presented the report and stated that:
Just one update on this one is that a full response from the LCC highways team has now been obtained that finds the amendments are acceptable and request their standard conditions be applied on ensuring the access is implemented as agreed.

The following proposal is a full application for four houses on land off Station Road Bottesford.

The scheme proposed is that all houses are two bedroom properties, dormer bungalow in scale and form and shown on a slide.

Various amendments have been achieved to take account of the concerns of views to the church and impact on the open space.

As hopefully clear as per our visit on Monday this is no longer an allocated open space in the new local plan. Each area is encouraged now to put these spaces forward as part of a neighbourhood plan which their currently is none for Bottesford.

In terms of policy considerations therefore it is primarily SS1 that has been considered which is around applications in service centres such as Bottesford.

The principle of development is there viewed acceptable owing to the sustainable nature of the village with its key available facilities being in walking distance from the proposed site and good public transport links.

In addition, owing to the private nature of the open space and that a large section of this space remains open and undeveloped the impacts to it on balance are deemed acceptable.

In addition to this the provision of four two bedroom properties which are much needed in the village remain a considerable benefit along with the assessment with MBC conservation colleagues that the impact to views to the church and overall impacts to the conservation area are acceptable. As such the proposal is recommended for approval as per the report along with the additional highway conditions.

The Ward Councillor, Cllr Chandlers comments were read out:

a) I have received numerous comments relating to the lack of emphasis given to both the Natural Environment & the Conservation Area in general, in the Committee Report.

b) The Church Field (the location for the proposed dwellings) is part of the natural environment of Bottesford, one of only two "windows" left with open

views of the Grade 1 Listed Church, thought by many to be the finest church in Leicestershire, often referred to, as a mini Cathedral. Whilst, I acknowledge that Church Field has lost its “protected open space listing” to now being designated as a “Green Area”, we surely have a duty to preserve our natural heritage. It must be remembered that the Pack Horse Route to Grantham via Allington was routed alongside the River Devon from the Grade 1 Fleming’s Bridge during the 17th Century (1636), across what is now Station Road, up Beacon Hill, crossing land in the Parish of Muston on towards Allington. There is no mention in the report of Beacon Hill and the Bottesford Beacon. This is where three Planning Inspectors have passed judgement on three previous applications – two on the Church Field and one further application in the Station House garden before dismissing all three appeals on the grounds of that any further development would result in a more densely build-up appearance that would be harmful to the character and appearance of the Conservation Area. The views of the Church from Beacon Hill, irrespective of the season of the year, are quite stunning.

c) Bottesford has accepted its allocation of housing in the soon to be adopted Local Plan, with possibly 58 of that allocation granted outline permission this evening, this in addition to the 88 already granted outline permission in recent months to the north of the railway line. The Bottesford Conservation Area costs not only public bodies but also private individuals substantial sums of money to keep up appearances. We must protect our heritage for future generations, and I am always heartened to see pupils from our local Secondary School doing field trips around the extensive Conservation Area which surrounds St. Mary’s Church.

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

- Object to site
- Adjacent to most used footpath in village
- Adjoins conservation area
- Treasured space
- Rejected building on site previously
- Corridor for wildlife

(c) Don Pritchett, a supporter, was invited to speak and stated that:

- Loose redundant piece of grassland
- No detriment to any view
- Not a medieval site
- No evidence of it being a treasured space
- View of church is not lost
- Policy to protect open spaces is contradictory to last application heard
- Maintains considerable open space

The Planning Officer (GBA) stated that the levels were not considered to be of significant concern, and could be reduced to lessen the perceived height of the

houses.

Cllr Baguley proposed to refuse the application as it is a very important setting with Bottesford Church, and conservation areas cannot keep being eroded. The development is an intrusion into the setting of a Grade 1 Church and conservation area, which would result in harm to the area. It is not justifiable by the benefits. It is contrary to the NPPF and enhancing a historic environment.

Cllr Higgins seconded the proposal to refuse as it forms an intrusion into an undeveloped area that forms an integral and important element of Bottesford, resulting in an adverse impact on its character. The proposals would be contrary to Policy OS1 and Policy EN6 of the emerging Local Plan. The harm is too much.

Cllr Baguley accepted this addition.

A Cllr stated that they support the application and asked the Planning Officer if the application went against the emerging Local Plan at all.

The Planning Officer (GBA) stated that it is supported by SS1 but heritage and character issues depend on the Committee's judgement.

A Cllr stated that the area is significant and the land and setting should be kept as a window in the village.

A Cllr stated that the site is a gateway view of the church and that although the houses won't impact heavily on the view, they will detract from it in some way.

A Cllr stated that the Council has a 7 and a half year land supply so there is no need to apply SS3 for 4 houses. The benefits do not outweigh the harm.

A Cllr stated that the detraction from the view is not significant; there is limited harm to the conservation area.

A vote was taken. 7 Members voted in favour of refusal, 3 Members voted against, and 1 Member abstained.

DETERMINATION: REFUSE, for the following reasons:

1. The proposed development would result in an intrusion into an undeveloped area that forms an integral and important element of the Bottesford Conservation area and setting of the Grade I St Mary's church. This would result in harm to the historic assets of the area, which is not justified by benefits accruing from the proposal. The development is therefore contrary to NPPF chapter 12 Conserving and enhancing the historic environment (paragraphs 132 and 134) and Policy EN13 of the emerging Melton Local Plan (Submission version October 2017).

2. The proposed development would result in an intrusion into an

undeveloped area that forms and integral and important element of Bottesford, resulting in an adverse effect on its form and character. The proposals would therefore be contrary to Policy OS1 of the Adopted Melton Local Plan 1999 and Policy EN6 of the emerging Melton Local Plan (Submission version October 2017).

PL10.4

16/00615/OUT

Applicant: Stimson Developments:- Mr T Stimson

Location: Field No 4564, Burrough Road, Somerby

Proposal: Residential development (outline)

(a) The Planning Officer (JL) presented the report.

(b) Howard Blakebrough, on behalf of the Parish Council, was invited to speak and stated that:

- Local Plan has significant weight and the site is reserved in the plan
- Policy C1B
- Requirement of 44 houses – 30 already approved plus 12 on Manor Lane. 42/44 houses already achieved
- Requirement met and likely to be exceeded
- Harmful effect on conservation area
- Close proximity to listed vinery

A Cllr sought clarification that not only were there houses permitted on large sites but also individual homes amounting to approximately 8.

Mr Blakebrough confirmed this and added that there are 11 individuals in Pickwell.

(c) Ros Freeman, an objector, was invited to speak and stated that:

- Environmental reasons why Burrough Road was a reserved site
- Level of mitigation at conservation area should be high
- Negative impact on surroundings
- Historic scene
- Attractive landscape
- No community support

(d) Mike Sibthorp, the agent, was invited to speak and stated that:

- Favourable pre-application advice
- Technical issues resolved
- Development will not harm setting
- Outline application so no numbers specified
- Enhance sustainability
- Dwellings could be limited to not exceed 10
- Local Plan supports development of up to 10 dwellings

A Cllr asked for clarification on the number of dwellings as the application refers to 31 however 10 were mentioned.

Mr Sibthorp stated that the application is indicative and no number was supplied.

The Planning Officer (JL) stated that the application is outline and the layout is indicative only. The listed vinery was listed after the application was submitted. Concerns from Archaeology have been considered in the report.

A Cllr suggested the application should be deferred to confirm number of dwellings.

The Assistant Director of Strategic Planning and Regulatory Services stated that the application could be limited to 10 dwellings. Policy SS2 applies and leads directly to Policy SS3 – service centres of rural hubs will accommodate housing through allocated sites and by encouraging small scale developments where it would enhance the sustainable community in accordance with Policy SS3. SS3 says that small developments will be acceptable where they provide housing which meets a proving local need as identified by substantiated evidence. There is no evidence that the application forms a specific need.

The Chair stated that the site is a reserved site and there is no reason to believe the other sites will not meet the need.

The Ward Cllr stated that Somerby needs 2 or 3 bed houses and affordable homes. If the scheme is reduced to 10 dwellings, this would reduce the number of any affordable homes.

Cllr Greenow proposed to refuse the application in line with the officer's report.

Cllr Glancy seconded the proposal to refuse.

A vote was taken. 10 Members voted in favour of refusal and Cllr Higgins abstained.

DETERMINATION: REFUSE for the following reason:

The application site is a reserve allocation in the emerging Local Plan. In the opinion of the Local Planning Authority, it is considered that there is still opportunity for the housing allocation of Somerby to be met prior within the plan period of the emerging Melton Local Plan (2011-2036) and it has not been demonstrated that there is no likelihood that allocated sites SOM1 and SOM2 would not be delivered. In the opinion of the Local Planning Authority, it is considered that the proposed development would be contrary to Policy C1 (B) of the emerging Local Plan.

PL10.5

17/01500/OUT

The Chair asked Members and Officers if they would continue with the meeting at 8.44pm. All were in favour of continuing.

Applicant: G S Property Holdings Limited - Mandeep Singh

Location: Field 4100, Lake Terrace, Melton Mowbray

Proposal: Residential development (up to 90 dwellings) including public open

space, removal of material from existing disused railway, landscaping and alterations to existing vehicular access (outline - all matters reserved except access)

(a) The Planning Officer (GBA) presented the report and stated that:

5 Updates to report on this item:-

1. A late representation from a resident concerned about impacts on the highway network specifically relating to how this would add to school traffic at the nearby roundabout. Also wanted to stress concern about impact on wildlife, destruction of our railway heritage and removal of green amenity land. Final concern about the development potentially overlooking the resident's house and the noise and disturbance during construction.
2. The LCC Ecology team have advised of further conditions to bolster the enhancements proposed which will be applied to the application
3. Further comments from the MBC environmental health team have also been obtained which again confirm the position that the mitigation proposed will be sufficient to mitigate against the noise issues of the site. They confirm that no complaints have been received from those nearby. Further details will be supplied through a subsequent reserved matters scheme for review.
4. The site meeting on Monday raised some questions including planting of trees. The agent has confirmed that new trees are proposed and hawthorn planting is proposed.
5. Also just to make clear that public access to the site is proposed to be increased and there would be interpretation boards etc. provided as part of the enhancement scheme.

The following proposal is an outline application including access for up to 90 houses on land to the north of Lake Terrace, Melton Mowbray

The scheme proposes a mix of housing that will be confirmed through a subsequent reserved matters application.

The site is not an allocated site for the purposes of the new Melton Local Plan and therefore this engages policy SS1 of our new local plan considering the overall sustainability of the site.

A balance has been struck where the proposal is deemed to be well connected to Melton town therefore affording excellent access to facilities by foot, bike and public transport.

It also proposes quite substantial ecological improvements and accessibility to this with information boards where appropriate.

There is some substantial work proposed to reduce the impact of flooding which has been deemed acceptable by the Environment Agency.

All other technical matters are satisfied through positive consultation responses.

Finally, the scheme proposes contributions in excess of £1m to cover substantial highway improvements, education, surgery, refuse site enhancements and towards library services and facilities.

With all these factors is deemed to contribute squarely to the ambitions of creating sustainable development against the significant need to provide more homes.

This application is therefore recommended for **approval** as per the report

with added conditions on ecology.

(b) Lance Wiggins, the agent, was invited to speak and stated that:

- Site is within town envelope
- Smaller homes from 1 bed flats to 3 bed houses
- 36 affordable housing
- Will not exceed 2 storeys
- Open space addition
- Brentingby dam will protect from flooding
- Grassland has declined
- No longer meets requirement for wildlife
- No objection from Environment Agency
- No technical objections
- Contribution towards distributor road

A Cllr asked when the grassland was last grazed.

Mr Wiggins did not have the answer but stated that ecology agree that the quality of the grassland no longer applies.

A Cllr asked how high the individual plots will be raised.

Mr Wiggins stated that the land levels will be raised where the majority of houses are built, and they will rise above the level flood water would reach.

A Cllr asked if the developers were open to 2 and 3 bed homes as a prescription.

Mr Wiggins stated that there would be specifically smaller properties, and a mix of 1 bed flats and 2/3 bed properties. 4 one bed flats, 4 two bed flats, 49 two bed houses and 33 three bed houses.

A Cllr stated that the plot floods every year, there is bad access, insurance companies will not insure the houses, the site is not allocated or part of the Local Plan, and there is a need to look after open spaces in the town.

A Cllr asked how the ecological enhancement could be guaranteed. The current plan does not comply with CDM regulations.

The Planning Officer (GBA) stated that within the red line, substantial works will be conducted.

The Assistant Director of Strategic Planning and Regulatory Services stated that the power to condition extends to land also owned by the applicant as well as the application site. The land used to be an allocated Protected Open Area in the old Local Plan and there is judgement needed on how important the land is.

A Cllr stated that there needed to be a guarantee that ecological enhancement

would be carried out, and asked if this could be conditioned.

The Assistant Director of Strategic Planning and Regulatory Services advised that an s106 will be in place, but it could also be conditioned.

A Cllr had concerns on flooding and stated that trees would add more protection.

Cllr Higgins proposed to permit the application as it goes towards meeting the allocation in Melton. 36 affordable homes and 2/3 bed properties must be secure. The ecological enhancement should be conditioned. The contribution towards the distributor road should be invested into Lake Terrace and not just the bypass.

Cllr Greenow seconded the proposal to permit.

A Cllr had concerns on flooding as the dwellings on Nevada Park next to the site are raised to 6m. The Brentingby dam needs work. It will add to traffic problems.

A Cllr asked how deep the land floods and what difference the dam has made.

The Assistant Director of Strategic Planning and Regulatory Services stated that a Flood Risk Assessment accompanies the application and the 1m raise is higher than the flooding depth.

A Cllr stated that there is other land available to meet the allocation and the Local Plan dismissed this site for good reason. The land is in flood zone 3. Open spaces need to be protected and it will cause a problem for traffic.

The Chair stated that the LLFA are satisfied.

A Cllr asked if raising the site would change the flood zone.

The Assistant Director of Strategic Planning and Regulatory Services confirmed it would. When the site is reassessed it will not be as vulnerable in future.

A vote was taken. 8 Members voted in favour of approval. 3 Members voted against. Cllr Holmes wished for her vote against approval to be recorded.

DETERMINATION: PERMIT, subject to:

(a) the following section 106 contributions:-

- **£813,382 towards Strategic Road improvements**
- **£246,691.15 for The Long Field School and John Ferneley College secondary schools**
- **£28,263.17 for Latham House Medical Practice, Sage Cross Street, Melton Mowbray.**

- **£7,770 Melton Mowbray Civic Amenity Site on Lake Terrace, Melton Mowbray**
- **£2,720.00 for Melton Library on Wilton Road, Melton Mowbray**
- **A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.**
- **Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area which can be supplied by LCC at £52.85 per pack).**
- **6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car which can be supplied through LCC at (average) £360.00 per pass (cost to be confirmed at implementation)**
- **£6,000.00 for the monitoring of the travel plan**

(c) Conditions as set out in the report

REASON: The proposed development of up to 90 dwellings in a sustainable location accords with the spatial strategy to development set out in the emerging Local Plan and which meets the sustainable aims of the NPPF.

The proposal could be accommodated within the site without having a detrimental impact on the character of the area or neighbouring properties subject to detailed design, layout and scale. The proposal would be served by a satisfactory access and the site is capable of providing adequate parking and turning within the site.

The development is not an allocated site for the purposes of the new Melton Local Plan however owing to the ecological improvements it will bring, the substantial contribution highway improvements, education, waste, libraries and surgery and lack of significant impacts in all other respects the proposal is seen to comply with the Local Plan policies referred to above and principles of the NPPF.

PL11

Update: 17/01325/REM

The Chair asked Members and Officers if they would continue at 9:30pm. All confirmed they were in favour of continuing.

Update Report: 17/01325/REM Great Lane, Frisby on the Wreake

(a) The Assistant Director of Strategic Planning and Regulatory Services

presented the report.

(b) Charles Sercombe, on behalf of the Parish Council, was invited to speak and stated that:

- 1 minor adjustment in comparison to 5 recommendations
- Ignored views of neighbours and Parish Council
- Over 47% 4 bed/larger properties
- Shortage of small bed properties
- Gateway entrance should blend in with current bungalows
- Originally for 40 properties
- 48% increase in properties
- Application should be deferred

A Cllr asked what is a priority to be addressed.

Mr Sercombe stated that all issues need addressing.

A Cllr asked if the developers have made an attempt to negotiate.

Mr Sercombe advised that they had not.

(c) Bob Widdowson, an objector, was invited to speak and stated that:

- Developers have not addressed any issues
- The development should be an asset, fully integrated, compatible and in keeping
- Not the right houses or in the right place
- Bungalows are in high demand but short supply

A Cllr asked what the objector's priorities were and if they had met with the developers.

Mr Widdowson stated that the priority is the no. of houses and mix of dwellings. The attempts to meet with the developers were unsuccessful.

(d) Cllr Edward Hutchison, the Ward Councillor, was invited to speak and stated that:

- Revisit housing type and mixture
- Discussion should take place with developers and ward councillor
- Developers became negative to further change
- Better and fairer design needed

The Chair asked Members if they would suspend standing orders to allow the agent to speak. Cllr Higgins proposed this and was seconded by Cllr Holmes. All were in favour.

(e) Sally Smith, the agent, was invited to speak and stated that:

- Parking for plots 9-11 has been rearranged to reduce no. of spaces

- Parking has been moved further away from the boundary of existing properties on Great Lane, a distance of 9.5m
- Planting along boundary to mitigate noise
- Frontage is not imposing or overpowering on the street scene
- Distances between existing and proposed are 34.5m at narrowest point
- Play area overlooked by 26% of properties
- Submitted drainage plan
- Mitigated with land drain along northern boundary
- Play area will be level and useable
- Proposed no. of dwellings not defined
- Design respects sites location and optimises use of land
- Mix of bungalows agreed with housing officer
- No. of bungalows increased to 4 to meet requests

A Cllr asked why no discussions had taken place with the Parish and residents.

Ms Smith stated that they met with the Parish Council and local residents before the application was submitted, and the provision of bungalows was added after listening to residents.

A Cllr asked if there was a reason houses could not be moved back.

Ms Smith stated that the houses had been moved away from the boundary.

A Cllr asked if the issue of single storey dwellings on Great Lane could be overcome.

Ms Smith stated that it could be revisited by the developers.

A Cllr stated that 5 reasons for deferral had been given and asked why 4 of those had been stonewalled.

Ms Smith stated that they had given reasons to justify the application.

The Chair sought clarification on whether there had been 8 bungalows reduced to 4, or 0 bungalows increased to 4.

Ms Smith stated that the indicative plan by the original owners showed 8 plans, but this was only outline. The initial scheme did not have any bungalows, however through consultation this was increased to 4.

Cllr Higgins proposed to defer the application to encourage further dialogue to take place and get it right.

Cllr Holmes seconded the proposal to defer.

	<p>The Chair suggested it is delegated to officers, the ward councillor and Parish Councillor to have a discussion.</p> <p>A vote was taken and it was unanimously decided the application should be deferred.</p> <p>DETERMINATION: DEFER to allow for further discussions between the applicants with the Ward Councillor and Parish Council (to be facilitated by officers)</p>
PL12	<p>18/00001/TPOMBC: Village Green, High Street, Waltham on the Wolds This item was discussed at the beginning of the meeting.</p>
PL13	<p>DC Performance Report Q4 17-18 DC Performance Report Q4 17-18</p> <p>(a) The Assistant Director of Strategic Planning and Regulatory Services presented the report.</p> <p>The Chair stated that the department is on an upward curve due to an improved performance. Particular note was made that the recent improvement coincided with the appointment of the Development manager and the focus she has been able to apply. It was also noted that this had been achieved before additional resources have had an effect.</p>
PL14	<p>Urgent Business None</p>

The meeting closed at: 10.05 pm

Chair

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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

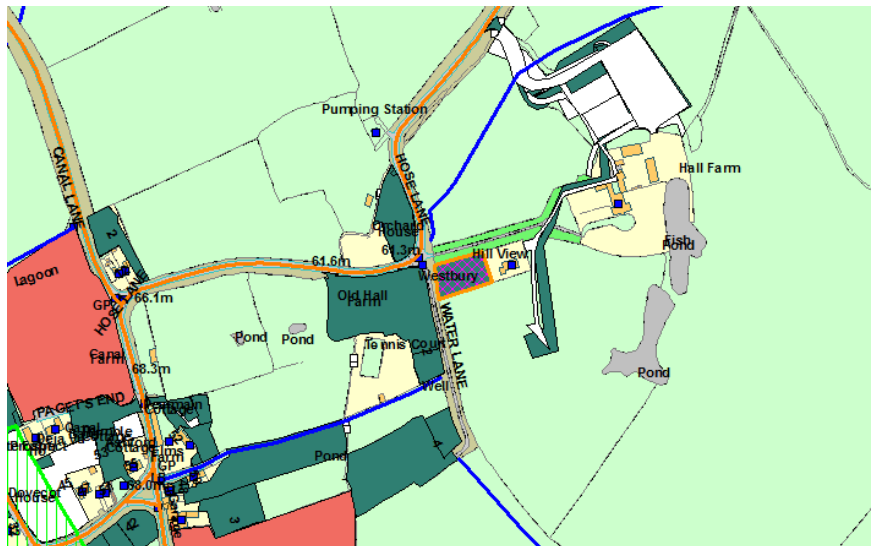
If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position 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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Reference: 18/00360/FULHH
Date submitted: 10.04.18
Applicant: Mrs Bryan
Location: Westbury, Hose Lane, Long Clawson
Proposal: Link Extension to Connect Garage to House and new Stair access to first floor Attic Bedroom



Proposal:-

This application seeks planning permission for the addition of an oak framed link with a zinc roof to join a double garage to the existing property. The link would measure 5 metres in length and 7 metres in width with a height to match the existing garage.

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

- **Conformity with local, national and neighbourhood planning policies**
- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**
- **Highway issues**

The application is to be considered by Committee as a request by one of the Ward Councillors.

Relevant History:-

- 352/57(2768) – erection of bungalow – permit – 26.2.57
- 84/00445 – 3 block stable block – permit – 17.7.84
- 94/0274 – erection of 3 stables – permit 24.6.94
- 02/00570/FUL – Single storey extension to existing bungalow – refused – 16.09.02
- 02/00844/FUL – Single storey extension to existing bungalow – refused – 20.12.02
- 03/00215/FUL - Single Storey extension to existing bungalow – Permit – 06.05.03
- 03/00422/FUL – Detached garage – permit – 15.07.03

Development Plan Policies:

Clawson, Hose and Harby Neighbourhood Plan is the Development plan for the area having been made on 6th June 2018 following successful referendum.

POLICY H7: HOUSING DESIGN is considered to be applicable and requires development to:

- 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 of the neighbouring area.
- 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

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.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous 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:

- 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:

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 Assistant Director for Spatial Planning and Regulatory Services
Highway Authority: The Highway Authority have no objection.	The proposed addition of a link 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: Object The conditions in the planning approval 03/00422/FUL have not been adhered to and it is not in accordance with the approved plans. The garage should be retained for vehicle use and not for residential accommodation.	The condition required that “The garage shall be retained at all times for uses as a garage and shall not be used for any purpose (such as storage or a workshop) such that a vehicle cannot be parked inside.” The garage was built, not according to the approved plan, over ten years ago and enforcement action cannot now be taken. The application being considered is for the link only. There are no enforcement options available owing to this lapse in time. On balance there is also no serious harm identified by the scheme to justify further intervention. The link extension would not alter the use of the garage.
Ecology: no objections	The property has been re-roofed within the last 4 years

Representations: The consultation was publicised by way of a site notice being posted at the entrance to the site and 3 neighbouring properties were informed by letter. One letter of representation has been received.

Representations	Assessment of Assistant Director for Spatial Planning and Regulatory Services
Design Use	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. The application, if approved, would still enable the garage to be used for vehicles. The alterations

<p>Garage not built according to approved plans</p>	<p>involve the first floor and do not affect the garage at ground floor level or its use.</p> <p>The garage was not built according to the approved plans (03/00422/FUL). The garage has never been used as a garage and remains unusable due to a lowering in floor levels within. Window openings have been incorporated that were not within the original plans. However the garage does have the correct footprint size and position within the plot.</p>
<p>Previous approval</p> <p>The garage has not been built to plans originally approved where parking is not able to take place within the garage.</p>	<p>The garage has been built for more than 10 years and enforcement action cannot be taken for an alteration in design.</p> <p>The link would not cause the building to be as large as the application refused previously and the link would not be over large.</p> <p>The garage is not used for vehicles at present but the ground floor is available for two cars. There is ample space on the site to accommodate parking for vehicles even without use of the garage.</p>
<p>Other matters</p> <p>The plan submitted are not a true representation of the building as it stands today. The end elevation has a boarded gap for a single window and the side elevation does not show the gaps left for two windows.</p> <p>If this application is passed it is obvious that the garage at ground floor level will not be used for vehicles but is designed for residential use at a later date.</p> <p>Application 02/00570/FUL was submitted and approved following amendments from a triple to a double garage.</p>	<p>The garage in terms of size and location is in the correct position according to application 03/00422/FUL. A gap has been left for a single window and two other windows are not shown. In terms of enforcement, time has now lapsed and action cannot now be taken to correct the garage.</p> <p>Enforcement action can be taken should the ground floor of the garage be used for anything other than the parking of cars as there is a condition on approved planning application 03/00422 to ensure the garage remains a garage.</p> <p>This application required the consideration of factors as the time that are not considered relevant for this proposal as it is a separate scheme.</p> <p>Despite being making the house bigger a link this is within the site area and existing buildings on site which are subservient and are not considered to have an impact on the design of the property.</p>

Other material considerations (not raised through consultation or representation)

<p>Consideration</p>	<p>Assessment of Assistant Director for Spatial Planning and Regulatory Services</p>
<p>The Clawson, Hose and Harby Neighbourhood Plan states that:-</p> <p>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, 	<p>The Clawson, Hose and Harby Neighbourhood Plan was made on 6th June and forms the development plan, allowing the full weight of the law to be applied under s 38(6).</p> <p>It is considered that the proposal would enhance the building while being sympathetic and is therefore considered to satisfy the criteria of</p>

<ul style="list-style-type: none"> • 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 of the neighbouring area. • 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>policy H7 opposite.</p>
<p>Melton Local Plan 1999: The site sits outside the village envelope and Policies BE1, OS2 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.</p>	<p>The proposal is to link a bungalow and garage block together with an oak framed building with zinc roof. The link would improve the existing building and would not cause harm to the visual amenity of the site or surroundings.</p> <p>It is considered that the applicant has taken into consideration the policies OS2 BE1, C11 which are the applicable policies</p>
<p>The (emerging) Melton Local Plan The new local plan has now completed examination where modifications suggested by the Inspector are now the subject of consultation.</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 seeks all developments are of a high quality.</p>	<p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</p> <p>The proposal is considered to be of a good standard of design that complements the exiting proposal well, being subordinate and sympathetic to the existing scale of the building.</p>

	Materials are proposed to match that of the existing dwelling which again is considered to enable the proposal to assimilate well amongst its surroundings.
Impact on Visual and Residential Amenity	<p>The proposal is of a size, location and orientation not considered to be to the detriment of the neighbouring properties or cause undue loss of residential privacy, 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 create a small link between the bungalow and the garage. Its design is suitable for the dwelling and would be an appropriately scaled addition. 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 23rd March 2018 (18.073 SO2.02 elevations, elevations and site plan; survey plan; 03 proposed plans)
4. The garage shall be retained at all times for uses as a garage and shall not be used for any purpose (such as storage or a workshop) such that a vehicle cannot be parked inside.

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 order to prevent localised parking issues that may be an issue if the garage is not used for parking.

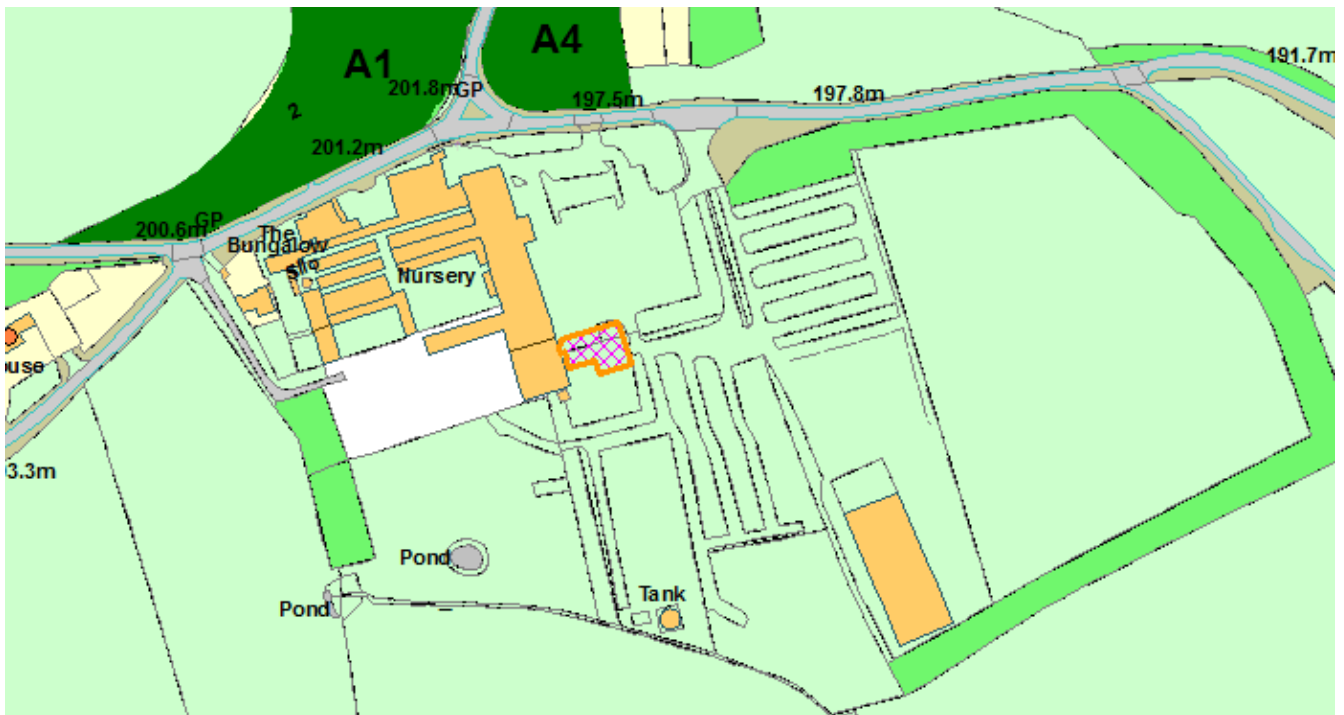
Case Officer:- Karen Jensch

Date: 18th June 2018

Agenda Item 4.2

Committee Date: 5th July 2018

Reference: 18/00407/FUL
Date submitted: 09.04.2018
Applicant: Mr Nigel Gates
Location: Gates Nurseries And Garden Centre, Somerby Road, Cold Overton, LE15 7QB
Proposal: Application for full permission for construction of a new retail unit. (A1 use)



Proposal:-

This application relates to full planning permission for the introduction of a new retail unit. Its key dimensions will be 33.454 metres by 18.454 metres by 7 metres height to ridge. The use will be as an extension to the existing buildings for increased retail use.

The application is supported by a design and access statement, full plans and Retail Impact Assessment, all of which have been made available for public inspection.

It is considered that the main issues for consideration of the application are:-

- Application of Development Policies and NPPF
- Impact upon the countryside
- Impact upon surrounding retail units

The application is presented to Committee as the recommendation seeks a departure to the development plan policy and a major application.

Relevant History:

88/0329/6 – Erection of a dwelling and garage (outline) – approved (agric/horticultural tie)
89/0872/6 – Erection of a dwelling and garage (reserved matters) – approved
F/96/0650/6 – Garage, stables and store room - approved
00/00011/FUL – Extension to tearoom – refused
00/00053/COU – Car park extension – approved
00/00226/FUL – Extension to tearoom – approved
01/00494/FUL – Conversion of existing store to offices and store – approved
02/00358/FUL – Blocking of existing vehicular entrance with new pedestrian access from car park and covering existing display areas – approved
03/00211/FUL – Modifications to existing boundary wall, boards to existing building, extension to overflow car park – approved
04/00772/FUL – Alterations and extension to tearoom to relocate kitchen and entrance –approved
05/00744/FUL – New retail building and surface water lagoon – approved
05/01109/FUL – Retail building to replace existing outbuildings and existing open display area – approved
05/01118/FUL – Demolition of 78.6 square metre of single storey ‘lean to’ outbuildings – approved
06/00538/FUL – Overflow car park with grass surface finish and landscaping – approved
07/00612/FUL – New horticultural store and potting shed – approved
07/01074/OUT - Retail area on site of existing house and outbuildings and relocation of existing house – refused
08/00991/FUL - Provision of new retail area on site of existing house and outbuildings – approved
15/00183/COU – Tarmac existing grass parking areas, change of use to form new tarmac roadways and grass parking areas and associated landscaping – approved.
15/00230/FUL – Improvements to approved car park. The closure of an existing exit and the construction of a new entrance – approved.
16/00345/OUT - Outline Application for a rural worker's dwelling – approved.
16/00381/FUL - Use of land for the display and sale of domestic garden buildings. (1770 sq. m). The construction of a shade cover over 16 car parking spaces. (203 sq. m). – approved.
17/01019/FUL Proposed Retail Unit with Offices above – approved

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

Policy BE1 - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policy EM10 outside settlement boundaries, this Policy encourages extensions to existing industrial or commercial sites where the use cannot be accommodated within the existing unit, there are no suitable alternatives within nearby settlements, the extension is small scale and the appearance is in keeping with its surroundings.

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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- proactively support sustainable economic development to deliver business and industrial units,
- promoting sustainable transport
- Supporting a prosperous rural economy
- Effective use of brownfield land

On Specific issues relevant to this application it advises:

Building a strong competitive economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- The planning system does **everything it can** to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.
- **Significant weight** should be given to the need to support economic growth

Sustainable Transport:

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection</p> <p><i>Site Access</i> The Applicant proposes no amendment to the existing site accesses, which the LHA considers to be acceptable in terms of visibility, width and radii.</p> <p><i>Personal Injury Collisions</i> The LHA has assessed the Personal Injury Collisions (PICs) record for the last five years in the surrounding area, there have been no PICs in the vicinity of the site access and as such the LHA</p>	<p>Noted. This assessment is agreed as acceptable.</p>

<p>has no existing highway safety concerns.</p> <p><i>Internal Layout</i> A Class A1 retail site of this size should provide 23 car parking spaces. The site currently has 623 spaces; based on the existing floor space of circa 10,000sqm and a rate of one space per 20sqm a total of 523 (500 +23) should be provided. The LHA is therefore satisfied that no additional provision is required.</p> <p>The current servicing provision is also proposed to remain unchanged; given the existing scale of the site compared with the size of the extension, no further servicing provision is required.</p>	
<p>Knossington and Cold Overton Parish Council: Raise no objections to the proposals. Concerned about the continuing development of the site</p>	<p>This concern is noted and each application for further development is closely considered on its impacts in line with planning policy.</p>
<p>MBC Building Control: The extension position appears to be acceptable under Approved Document B – Fire Regulations.</p>	<p>Noted.</p>

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 1 providing a **no objection** comment was received.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Compliance (or otherwise) with Planning Policy</p>	<p>The proposal is not considered to be small scale and represents a departure to the development plan policy OS2 being sited in the open countryside. As the proposal lies outside of an existing commercial site policy EM10 is also applicable. Policy EM10 allows for small scale expansion of existing rural commercial sites subject to certain criteria's having been met.</p> <p>The local plan is considerably out of date and the weight attributed to it is weakened. Paragraph 215 of the NPPF advises that due weight should be given to existing local plan policies according to their degree of consistency with the NPPF. Policy OS2 seeks to restrict development outside of the village envelope unless it is of small scale commercial and this is supported by policy EM10 for a commercial development of this nature. It is not considered that the proposal is small scale and therefore it does not comply with the local plan policies and is therefore considered to be a departure from the local plan.</p> <p>The NPPF is a material consideration which postdates the local plan and is supportive of economic development. In terms of its promotion</p>

	<p>of economic growth, the NPPF requires that planning should do “everything it can” to encourage economic development and advises that “significant weight” should be assigned and as such it is considered to weigh substantially in favour of the proposal.</p> <p>The proposal would be sited to the east on existing hard surface and landscaped land. It is considered that the development of the site would not have an unduly detrimental impact upon the character of the area and due to separation distances will not have an adverse impact upon residential neighbours at Cold Overton. The proposal would be read as an extension to the existing garden centre and therefore it cannot be demonstrated that significant harm to the countryside would be had should the proposal be allowed.</p> <p>The proposal has not generated an objection from the Highways Authority and there remains sufficient parking within the site so that no obstruction occurs within the highway.</p> <p>It is considered that the facilities the proposal will provide will be of assistance to the rural site and support economic growth in the Borough and this commands significant benefit when weighed against the limited harm to the countryside location.</p>
<p>The (emerging) Melton Local Plan</p> <p>The new local plan has now completed examination where modifications suggested by the Inspector are now the subject of consultation.</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 SS1 states when considering development proposals, the Council will take a positive approach</p>	<p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</p> <p>Of particular relevance in assessing the principle of development is policy SS1.</p> <p>Under this sustainable approach the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the</p>

<p>that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> <p>Policy EC2 Employment Growth in the Rural Area (Outside Melton Mowbray) In order to support the rural economy, the Council will allow for:</p> <p>A) new employment land to be provided in rural settlements; and/or; B) rural employment proposals which create or safeguard jobs.</p> <p>The following types of rural employment development are acceptable:</p> <ol style="list-style-type: none"> 1. The re-use of existing farm buildings and well-designed new buildings for employment; 2. Schemes for farm diversification involving small-scale business and commercial development that help to support the viability and retention of the farm holding; 3. Small-scale tourism proposals, including visitor accommodation, such as glamping, camping and bed & breakfast; 4. The expansion of existing rural businesses, dependent upon the nature of the activities involved, the character of the site and its accessibility; 5. Small scale employment development to meet local needs; and 6. The use of land for agriculture, forestry and equestrian activity. <p>Subject to the proposal:</p> <ol style="list-style-type: none"> 7. Being of an appropriate scale for its location; 8. Having sufficient accessible off road car parking provided on site or in the nearby vicinity to cater for the use proposed. 	<p>application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:</p> <ul style="list-style-type: none"> • Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken as a whole; or • Specific policies in that framework indicate that development should be restricted <p>The location of the site is acknowledged to be unsustainable but is part of a bigger site with numerous previous approvals. There are a number of other benefits outlined below that overall mean the development contributes to economic sustainability for the immediate area and Melton as a whole.</p> <p>The proposal is seen to allow for an existing rural business to expand and provide more employment opportunities in the rural area.</p> <p>The proposal is deemed to conform to the other policy requirements on design.</p>
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<p>Policy EC7 – Retail Development in the Borough In other settlements with an existing retail offer that acts as a service centre, town centre developments will be supported where they would be physically integrated, be of an appropriate scale and not have an adverse impact on the character of the village. A retail impact assessment will be required for all retail proposals in these locations. Assessments will be used to ensure that retail proposals do not adversely affect the vitality and viability of Melton Mowbray town centre and other retail facilities within service centres.</p> <p>Outside of Melton Mowbray town centre and service centres, in all cases a retail impact assessment will be required to accompany applications.</p> <p>Policy D1 Raising the Standard of Design seeks all developments are of a high quality.</p>	<p>This has been submitted and the details have been discussed below.</p> <p>The proposal is deemed to be well within the site context and of a subordinate scale to the rest of the built form of the business.</p> <p>In addition to this the materials proposed are of a combination of natural timber, slate roof, brick and timber cladding which are sympathetic to the local context. The proposal therefore is deemed to accord with D1.</p>
<p>Impact on neighbours</p>	<p>Due to the location of the proposed building which utilises the existing access it is not considered that the development would have a detrimental impact on any neighbouring properties.</p>
<p>Retail Impact Assessment</p> <p>Section 2 of the NPPF sets out the Government’s policy in relation to maintaining the vitality of town centres. This keeps the ‘town centres-first’ emphasis in policy. Paragraph 23 states that ‘planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period’.</p> <p>A series of objectives for local planning authorities to meet in preparation for their Local Plans are provided that recognise the town centre as the heart of the community and set out policies to support their vitality and viability.</p> <p>The NPPF requires a sequential test to be applied to town centre uses, although notably there is no longer a disaggregation requirement.</p> <p>Paragraph 24 states that:</p> <p>‘Local planning authorities should apply a sequential</p>	<p>Due to the location of the site both Melton and Oakham Town Centres have been considered as part of the submitted Retail Impact Assessment. In terms of town centres and retail policies within the Melton 1999 Local plan paragraph 8.9 states that the LPA should seek to “ensure that Melton Mowbray town centre retains its prime shopping function whilst attracting a variety of complementary uses which will contribute to the commercial viability and attractiveness of the centre. The policies and proposals of the Local Plan are therefore designed to provide a flexible and balanced approach to serve the needs of the community.”</p> <p>The site is located outside of the designated town centres of Melton Mowbray and outside of the envelope of Oakham Town Centre.</p> <p>The Sequential Test identified two development sites in Oakham town centre:</p>

<p>test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to date Local Plan. They should require application for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out of centres sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connect to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.</p> <p>Paragraph 26 of the NPPF requires an assessment of impact for developments over 2,500sq. Outside of town centres not in accordance with an up to date Local Plan. This should include an assessment of:</p> <p>“The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and</p> <p>The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.”</p> <p>Paragraph 27 of the NPPF states that, “where an application fails to satisfy the sequential test or is likely to have significant adverse on one or more of the above factors (paragraph 26), it should be refused”.</p> <p>Emerging local plan policy EC5 states that a sequential approach will be applied to the location of proposals for main town centre uses which prioritises sites within centres ahead of edge of centre sites. Out of centre locations will only be considered if sequentially preferable sites are not available within the town centre or on the edge of the centre and if the location is accessible and well connected to the town centre.</p>	<p>R1 – Tim Norton, Long Row (0.69ha) R2 – Land to rear of the White Lion, Melton Road (0.29ha).</p> <p>Both of these sites are much larger than the proposed development and so in theory the proposal could be accommodated on these sites as part of their wider development, but a standalone development would not be viable.</p> <p>In addition the Retail Impact Assessment noted that land to the south of the Tesco store in Oakham is on the market for a commercial use but noted that in addition in permitting the recent Aldi application at Lands End Way (2016) the council has accepted that this site is not sequentially preferable for retail development.</p> <p>The Retail Impact Assessment looked at the vacant properties in Melton which have been mainly observed to be in the Bell Centre but due to the format/offer here the location has not been deemed suitable.</p> <p>To conclude the proposal is for an extension to the existing garden centre to include both offices and retail space that relate to the existing operation.</p> <p>Sequentially preferable site have been considered and given the size of the extension the submitted report focussed the search on Oakham Town Centre, the site allocations document for Rutland County Council identified two sites in the centre, neither of which are available or suitable, there are no vacant units in the centre which could accommodate the proposal.</p> <p>Despite that fact the applicant contends that it is not appropriate or proportionate to consider Melton Town Centre which is 9 miles away from the site, the applicant has looked at the vacant available units in Melton and they have concluded that they are either too small or too large, all sites have been discounted appropriately within the submitted report and it is concluded that there are no sequentially preferable sites that could accommodate the proposal.</p>
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Conclusion

The application seeks consent for a proposed retail unit to an existing rural business situated within the open countryside. Recent expansion of the site has proven to be popular with an increase in visitors to the site.

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.

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 unit would be an expansion to the existing, it is considered that permission should be approved.

Recommendation: APPROVE, subject to the following conditions. The development shall be begun before the expiration of three years from the date of this permission.

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 be carried out in accordance with drawings numbered 17/61/PP/001 and 17/61/PP/003 received by the Local Planning Authority on 7th April 2018.

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. To ensure a satisfactory standard of external appearance.
3. For the avoidance of doubt

Officer to contact: Mr. Glen Baker-Adams

Date: 22nd June 2018

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COMMITTEE DATE: 5th July 2018

Reference: 18/00531/OUT
Date submitted: 02.05.2018
Applicant: Dr. Ervin
Location: Land Off Craven Street Melton Mowbray
Proposal: Outline application for the erection of one dwelling



Proposal:-

The application site is located just south of Melton Mowbray town centre directly west to a residential property of number 52 Craven Street and east of 69 Ankle Hill. The site is mainly the gardens to Prior Cottage which is currently overgrown. The site is not in a conservation area nor flood zone.

A design and access statement and site location plan has been submitted with the proposal which shows the location of the proposed house.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Principle of development**

The application is required to be presented to the Committee due to largescale of the proposal.

History:-

15/00286/OUT Erection of one dwelling *Approved*

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 – states that planning permission will only be granted for development within the town and village envelopes shown on the proposals map where the form, character and appearance of the settlement is not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality, the proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution, the development would not have a significantly adverse effect on any area defined in policy BE12 or other open areas, the historic built environment or buildings and structures of local importance or important landscape or nature conservation features including trees, the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity, requisite infrastructure, including such facilities as public services, is available or can be provided, satisfactory access and parking provision can be made available, the design, layout and lighting of the development minimises the risk of crime.

Policy BE1 - allows for development within the town envelope 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 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 NPPF seeks to ensure that there is a presumption in favour of ‘Sustainable Development’ introducing three dimensions in achieving sustainable development through the planning system: an economic role, a social role and an environmental role.

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 the 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.

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:

- Proactively support sustainable economic development to deliver homes and businesses that local areas need;
- 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 and supporting thriving rural communities within it;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land);
- 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.

On Specific issues relevant to this application 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, and
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- There is a requirement to maintain a five year land supply of deliverable sites. Taking into account windfall sites provides compelling evidence that such sites have consistently become available. Where there has been a persistent under supply a further 5% is required;
- Local Authorities are to set out their own approaches to densities to reflect local circumstances;
- 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;
- 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;
- 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;
- Avoid new isolated homes in the countryside unless there are special circumstances.

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.

Consultations: No consultations were deemed required for a single dwelling. The application is also outline with *all* matters reserved including access so not required as part of this application.

The site lacks any recorded ecology constraints and matters that require input from consultees.

Representations:

Letters were sent to those residents who are adjacent to the site to notify them of the application. As a result of this a total of 6 letters of representation were received by 6 households at the time of publication of the report.

Representation	Assessment of Head of Regulatory Services
Consultation The application incorrectly states that the proposal was discussed with all adjacent homeowners "who have indicated that the application is a natural progression and that they	 Whilst consultation is encouraged between the applicants and the neighbours, it is not a requirement by law, and is not however a reason on its own to refuse the application and a full

<p>would not be adversely affected by the development". It was not and this has not been the indication</p> <p><u>Design</u> The proposed development on Craven Street will be sited in between properties built in the Edwardian era with their ensuing design characteristics. A new property would have the potential to 'stick out like a sore thumb' so to speak, from the attractive row of Edwardian houses and the locality. It is an objective of the local plan that new houses fit in with historic buildings</p> <p>The majority of these houses are of special historical/architectural interest to Melton so a new property will not be progress but be detrimental to the local heritage.</p> <p><u>Amenity</u> The proposed plan for an infill dwelling, has the potential to impact on our home with respects to visual intrusiveness, light and loss of privacy, if built adjacent. We have a number of windows facing the proposed site, where a development could lead to loss of light and intrusiveness. The proposed dwelling may also be overlooking or lead to a loss of privacy within our garden. Finally, it is not entirely clear from the design plans if the boundary is respected or if there is potential for adverse possession, which we need look into further</p> <p>It would immediately overlook the kitchen of the immediate neighbouring properties causing loss of daylight in that house along with shading to theirs and neighbouring gardens.</p> <p><u>Highway Safety</u> Access and egress to our off-street parking is already very challenging due to the volume of traffic and cars wishing to park on Craven St. With further demand as a result of an additional dwelling, the removal of on street parking and decreased line of sight to the road will only increase the issues and safety of access and egress to the off-street parking.</p> <p>The road space fronting the proposed site is currently used as a passing place for cars unable to pass along narrower areas along the road toward the East. This passing area would effectively be eliminated, resulting in further congestion and increased speeding vehicles along Craven St in their efforts to navigate the stretch of single file road. Further development on this site would increase the traffic impact especially</p>	<p>assessment of issues has been considered as part of this application.</p> <p>The proposal as submitted is in Outline form with all matters reserved, at this stage, it is the principle of development that is for consideration at this time. Should permission be granted then an application for the submission of Reserved Matters would be submitted that would focus on elements such as design and layout. The design of the proposal will need to reflect local characteristics and there is no reason to dispute it accord with the local area character.</p> <p>As above, the <i>potential</i> to cause an impact without details of scale and appearance cannot be a reason to refuse the proposal. The reserved matters application will look at potential amenity issues closely such as the placement of windows and the physical layout of the dwelling on the plot. Owing to the other houses in the local area, amenity looks acceptable if on similar 'lines' to adjacent houses.</p> <p>Further applications to consider the Reserved Matters would be subject to scrutiny and publication as per this initial outline proposal.</p> <p>Parking is a consideration again for reserved matters but owing to arrangements in place already there is nothing to suggest that sufficient parking and turning could not be achieved for the proposal. Future betterment could be looked at as part of a further reserved matters application.</p> <p>Whilst it is acknowledged there may be temporary disruption during the construction of the dwelling, there is no reason to suggest that the cumulative effect of one dwelling in this location would have a detrimental impact upon highway safety.</p>
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<p>during construction</p> <p>Garden Grabbing This proposal is 'garden grabbing' and will have an adverse effect on the density of housing and residential amenities of all residents at the Sandy Lane end of Craven Street, not just those neighbours immediately affected.</p>	<p>The process of building on residential gardens or 'garden grabbing' as it is sometimes coined as referenced here is not endorsed by national planning policy (NPPF paragraph 53). This application is however seen as to not cause harm to the local area as advised by this policy as would be directly adjacent to other houses in a similar location. The approval of planning application 15/00286/OUT has also accepted the principle of development in this location.</p>
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Approval 15/00286/OUT On 22nd May 2015 the LPA approved an outline application for a house in this location. The determination made reference to the points in this report and drew similar conclusions.</p> <p>Planning permission for this development expired on 22.05.2018 and therefore the applicant is applying again.</p>	<p>The principle of development remains the same being a sustainable location where further details of appearance and parking provision will follow as a subsequent reserved matters application.</p> <p>Despite the new local plan having significantly more weight owing to its progression following examination, the policies on applications in sustainable locations such as Melton remain relevant including SS1.</p>
<p>Principle of Development</p> <p>The site lies within the Melton Mowbray town centre and when taken from the 1999 Local Plan Inset Map the site lies within the defined envelope and Policy OS1 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</p>	<p>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.</p> <p>The application is required to be considered against 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 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 proposal therefore complies with the NPPF and saved policies of the Local Plan in terms of principle, being located within a sustainable settlement.</p>
<p>The (emerging) Melton Local Plan The new local plan has now completed examination where modifications suggested by the Inspector are now the subject of consultation.</p>	<p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</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 SS1 states when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> <p>Policy SS2 sets out the development strategy for the Borough and takes a sustainable approach to the location of new development, Melton Mowbray and the Service Centres will accommodate a significant proportion of new housing on allocated sites and unallocated sites.</p> <p>Policy SS3 relates to sustainable development on unallocated sites and sets out circumstances where residential development may be supported where a robust case is made with particular emphasis on the need to support residential proposals with a proven local need.</p> <p>Policy C2 Housing Mix seeks to manage the delivery of a mix of housing having regard to market conditions, housing needs and economic viability. A Housing Needs Study was conducted for the Borough by JG Consulting in August 2016 which concluded it is expected that the focus of new market housing provision will be on two and 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>Policy D1 Raising the Standard of Design seeks all developments are of a high quality.</p>	<p>Of particular relevance in assessing the principle of development are policies SS1 to SS3.</p> <p>Under this sustainable approach Melton Mowbray is the principle urban area which acts as a local focus for services and facilities in the town and one capable of serving the day to day needs of the residents living in the village and those living in nearby settlements.</p> <p>Under this policy the proposal can be supported as Melton Mowbray is identified as a sustainable settlement where the principle of residential development can be supported.</p> <p>Due to the location of the development and its position within the built up area the site is considered to be sustainable and complies with Policy SS1.</p> <p>The proposal is however a windfall site and has not been allocated for development. Under policies SS2 and SS3 the principle of residential development can be supported on allocated sites or on unallocated sites where they are sustainable or there is a proven local need. It is fully compliant with Policy SS1, occupying a sustainable location, and aligns with the overall spatial strategy of the emerging Local Plan.</p> <p>Therefore, on balance, the proposal is considered to comply with the spatial strategy of the emerging Local Plan in providing housing in a sustainable location, in compliance with Policy SS1 and SS2. There are other material considerations in support of the proposal which add weight to supporting the principle of housing at this location.</p> <p>The proposal has not implicitly mentioned what size of property is proposed here nor the amount of bedrooms. A condition would be imposed to ensure that the Reserved Matters submission would include a dwelling that meets the area's local market housing need.</p> <p>A future reserved matters application will need to ensure that good design is integral to the finished proposal and that the submitted details accord with Policy D1 of the New Melton Local Plan.</p>
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Conclusion

Overall, the proposed development of a single house in a sustainable location is in conformity with the spatial strategy to development set out in the emerging Local Plan and which meets the sustainable aims of the NPPF.

The proposal could be accommodated within the site without having a detrimental impact on the character of the area or neighbouring properties subject to detailed design, layout and scale. On street parking is already heavily prevalent in the local area and owing to the size of the site, off street provision could be provided to alleviate issues in this regard when a subsequent reserved matters application is applied for.

The development is not an allocated site for the purposes of the new Melton Local Plan however owing to the site being of not particular ecological/ attractive open space merit within an area of many other residential properties and previously approved scheme is seen to comply with the Local Plan policies referred to above and principles of the NPPF. The application was previously approved where the policy considerations remain relevant and therefore the principle of development remains established. As such the application is recommended for approval.

Recommendation: APPROVE subject 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:-
 - Layout
 - Scale
 - Access
 - Landscaping
 - Materials
 - Levels(hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. This should provide the highest standards of design in line with the NPPF.
3. The reserved matters as required by condition 2 above, shall provide for a type and size of dwelling that will meet the area's local market housing need.
4. 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.
5. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary (back of verge) and shall be hung so as to open inwards only.
6. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reasons for the conditions are as follows:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The application is in outline only.
3. To ensure that the housing needs of the borough are met.
4. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

5. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
6. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

Officer to contact: **Mr Glen Baker-Adams**

Date: **22.06.2018**

PLANNING COMMITTEE SITE VISITS Monday

2nd July 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
18/00360/FULHH	Westbury, Hose Lane, Long Clawson	10:20
18/00531/OUT	Land Off, Craven Street Melton Mowbray	10:50
18/00407/FUL	Gates Nurseries And Garden Centre Somerby Road Cold Overton LE15 7QB	11:15

Return 11.40 for **Briefing at 11.45 at Parkside**

Committee Meeting: 6:00pm, Parkside, Burton St, Melton Mowbray Thursday 5th July 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.	18/00360/FULHH	Westbury, Hose Lane, Long Clawson
2.	18/00407/FUL	Gates Nurseries And Garden Centre Somerby Road Cold Overton LE15 7QB
3.	18/00531/OUT	Land Off, Craven Street Melton Mowbray

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