



Rural Capital of Food

Agenda

Meeting name	Planning Committee
Date	Thursday, 18 October 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, 10 October 2018

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the previous meeting on 27 th September 2018.	1 - 8
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	9 - 10
4.	SCHEDULE OF APPLICATIONS	
4 .1	18/00040/FUL Fields 9820, 7800 and 0005 Melton Road, Ab Kettleby	11 - 20
4 .2	18/00919/FUL Land Adj to No 11 and 13 Paradise Lane, Old Dalby	21 - 30
4 .3	18/00506/FUL North Lodge Farm, Longcliff Hill, Old Dalby	31 - 38
5.	UPDATE REPORT: 18/00632/OUT UPDATE REPORT: 18/00632/OUT: RESIDENTIAL DEVELOPMENT FOR UP TO 60 DWELLINGS WITH ACCESS FROM GRANTHAM ROAD AND ASSOCIATED DRAINAGE INFRASTRUCTURE AND PUBLIC OPEN SPACE.	39 - 40
6.	URGENT BUSINESS To consider any other items that the Chair considers urgent	

Minutes

Meeting name	Planning Committee
Date	Thursday, 27 September 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	G. Botterill
P. Cumbers	P. Faulkner
L. Higgins	E. Holmes

Observers

Officers

- Solicitor (ST)
- Assistant Director for Strategic Planning and Regulatory Services
- Development Manager (LP)
- Administrative Assistant (JD)
- Administrative Assistant (AS)

Minute No.	Minute
PL38	<p>Apologies for Absence Cllr Greenow sent his apologies via Cllr Holmes Cllr Rhodes sent his apologies Cllr Glancy sent her apologies and was substituted by Cllr Higgins</p>
PL39	<p>Minutes Minutes of the meeting held 06th September 2018.</p> <p>A Cllr wished to add to the minutes regarding 18/00632/OUT, that it is Council Policy for a development of this size to include a play area.</p> <p>Approval of the minutes subject to the above amendment was proposed by Cllr Cumbers and seconded by Cllr Bains.</p> <p>It was unanimously agreed by the members present at the previous meeting that The Chair sign them as a true record.</p>
PL40	<p>Declarations of Interest None</p>
PL41	<p>Schedule of Applications</p>
PL41.1	<p>18/00882/FUL Applicant: Mr & Mrs Watchorn Location: Land off Wycomb Lane, Scalford Proposal: Proposed log cabin for tourism use</p> <p>(a) The development Manager (LP) stated that: The application seeks full planning permission to site a log cabin on land north east of Scalford village approximately 1.5km from Scalford with access from Wycomb Lane. Members requested confirmation of nearby footpaths to the site and these are displayed on the screen taken from the County Council Website, additional information with regards to location of parking and recreation space was requested by members but this has not been provided by the agent. There are no updates to the report and the proposal is recommended for refusal due to the location of the cabin not being considered as sustainable tourism and therefore not in accordance with either the NPPF nor the Melton Local Plan which has now passed examination and should be given significant weight.</p> <p>(b) David Manning, on behalf of the Agent, Maurice Fairhurst was invited to speak and stated that:</p> <ul style="list-style-type: none"> • Proposed site is on the site of disused recreational grounds • Network of footpaths connects site to other villages • Site has existing access which is to be realigned and widened to

improve visibility splays

- The single cabin is not a significant development and will not attract significant amounts of traffic
- The cabin will be largely hidden from view through existing/new planting
- Existing parking and turning spaces
- Level site, with plenty of room to do whatever is required
- Support from residents, no objections
- Will diversify the farm's business interests
- Create and help to sustain local employment
- No adverse impact to the local landscape
- Some smaller tourist sites, like this one may have to be found satisfactory in terms of sustainability
- People attracted by the peace and quiet of these rural areas
- Cannot agree that it's been said the site is unsustainable due to its distance from the nearest services and facilities. Makes a comparison to the success of Eye Kettleby Lakes

A Cllr commented that the proposed 1 bathroom didn't seem enough for the 3 bedrooms which could potentially accommodate 6 adults.

The Agent agreed 6 occupants would be tight. 4 or 5 would be much more realistic, and suggested that the applicants would willingly look at this again in order to provide top quality facilities.

A Cllr queried the curtilage. The COU is within the red line. With cars and recreational space this seems very tight. Could it be considered to extend curtilage?

The Agent stated that they are encouraged to minimise anything that happens out in open countryside. The red line is more than 7m from the building. If deemed appropriate, and committee agreed, the applicants who own the whole plot, would be more that happy to extend to 10m or 15m.

The Agent added that the whole farm will be open to visitors, which is part of the appeal.

Cllr Holmes, Ward Cllr for Waltham on the Wolds, proposed to permit the application. The reasons given, that it encourages diversification, and would be sustainable due to the large number of footpaths surrounding the site. Plus its location so close to Scalford.

Cllr Cumbers seconded the proposal. With the suggestion that a condition be added to ensure use as a holiday let only.

A Cllr stated that this is the future for agriculture. The opportunity should be taken, as there are very few small farms and an increasing number of big units. The

support is needed in order to maintain income.

A Cllr expressed concerns regarding there needing to be a site specific reason for this being permitted otherwise it could be seen a lot more frequently. Also voiced concerns of how easily it could be turned into housing.

A Cllr stated that the site used to be recreational ground, and that is what it will be again if permitted.

A Cllr stated that this is not included on the application. No activities listed apart from walking.

A Cllr asked for clarification on the wording of proposed condition for non residential use.

The Assistant Director of Strategic Planning and Regulatory Services explains there is a set of conditions, rather than individual conditions that can be applied to these circumstances. a; Talk about it not being a principal dwelling and b; length of occupancy.

A Cllr stated that there is an unusual supply of local footpaths, making it good for walking.

A Cllr requested clarification from the Solicitor to the Council. If the holiday let wasn't successful due to its specific target customer. Would we turn the land back to its former use? Wouldn't support if application was for a home.

The Solicitor to the Council stated that a condition can be imposed. If owners wanted to revert to permanent dwelling then they would be required to apply to release that condition at which point application could be refused.

A Cllr asked what guarantee is there of it being a holiday let.

The Assistant Director of Strategic Planning and Regulatory Services stated that we would respond to suggestions raised that it's not being used as it should. This could potentially trigger inspection or enforcement.

The Solicitor to The Council states there could be a requirement that the owner supply details of occupancy. It could be conditioned that a register of occupancy is kept.

Cllr Holmes stated that she does not think that is necessary. It's just another part of their business. Genuine diversification which is what is encouraged.

Cllr Cumbers agrees that it is ideal. However it is the responsible thing to do, to protect the countryside. Suggestions for conditions are reasonable.

A Cllr stated we need to be careful, so the register is a good idea. They also urge the proposer to include as a condition.

Cllr Holmes agreed to include.

The Chair asked for confirmation on wanting to include the condition.

Cllr Cumbers agreed.

The Chair stated he cannot support, as it's against 3 policies. Not against principle, however it goes against the plan which would not be consistent.

A vote was taken. 5 members voted to permit the application and 4 voted against the proposal.

Determination: The proposal encourages Rural Diversification, and would be sustainable due to the large number of footpaths surrounding the site. Plus its location so close to Scalford.

PL41.2

18/00808/FUL

Applicant: Mr & Mrs and Hiranthi Cook

Location: Twyford House, 18 Tilton Road, Twyford, LE14 2HZ

Proposal: Erection of farm barn for cider apple storage and processing with general farm use, 105 metre long access track.

(a) The Development Manager (LP) stated that: The proposal seeks full permission to erect a barn for the storage and processing of apples for cider production on agricultural land to the west of Twyford, since the application has been submitted the location of the barn has been amended to be sited further away from residential dwellings and is now approximately 170 metres away from the nearest dwelling. Since the report was published members should note that one objection has been withdrawn and ecology have responded to the amended location and raise no objection.

There are no further updates and the application is recommended for approval subject to conditions as set out in the report.

(b) David Manning, the Agent on behalf of the Applicant, was invited to speak and stated that:

- Application is for a very small barn in comparison to most modern farm buildings
- Purpose is to store harvested apples, a crusher and storage tanks. Lean to for equipment
- Only traffic will be 10 x 7.5 tonne lorries per annum
- Planning conditions are perfectly ok except for time restrictions. I have discussed with the Case Officer to express concerns. Unfair and unnecessary, as the building is now 170m from nearest houses
- Noisiest operation will be crusher and taking into account the sound proofing of the barn; will be no louder than 50 decibels

The Development Manager added that with regards to the condition. They were applied as a result of previous noise details submitted that were not up to standard with Environmental Health. No further noise details have been submitted.

Mr Manning requested that now the location has moved, can this condition be removed.

The Development Manager stated that it is for the avoidance of doubt because we do not have any sound proof noise mitigation. When it was in the previous location the noise was not acceptable and from that it was suggested a condition would satisfy without further information being submitted.

A Cllr questioned whether the cider produced will be bottled locally, as the barn is for storage and processing.

Mr Manning stated there are several nearby places where it can be done. If added as a condition, he was sure the Applicants would be keen to agree.

A Cllr queried if a noise assessment was provided, could the condition be removed.

The Development Manager stated there is nothing stopping an application for a variation of condition or the removal of, and nothing stopping members removing the condition and/or adding a new condition requesting further information to be submitted.

A Cllr asked the Agent whether the applicants would consider that.

Mr Manning stated the applicants are under severe pressure to obtain planning permission as they have applied for funding. So was confident would be willing.

A Cllr asked whether there is water and electricity available to the site.

Mr Manning confirmed there is.

A Cllr pointed out that there are a number of objections, however believed they are not strong enough for refusal. Urges members not to remove the time condition, but to request the applicants resubmit.

A Cllr stated they cannot agree as agricultural processes rely on the weather which cannot be predicted. Urged members to look at this from an agricultural point of view.

Cllr Holmes proposed to permit. Excluding the restrictions of time. They won't be in full production for 4 to 5 years.

Cllr Baguley seconded the proposal, with the removal of condition 5 which is the timings.

A Cllr reiterated the noise details are substandard which is unfair on the neighbours. And urges members to refuse the proposal and accept what the officer

recommendations are, but to put it back to the Applicants to resubmit. Expresses fears neighbours will feel unprotected.

A Cllr sought clarification on the wording of the condition if it was to be out back on the applicant in terms of noise report.

The Assistant Director of Strategic Planning and Regulatory Services stated the condition is already there and applicants would need to reapply should they want to remove it. Or we can invite them to demonstrate security in noise terms before proceeding. Potentially a scheme to be submitted which we could then assess.

The Chair asked whether it could not be passed without condition but replace with a condition that says subject to. Giving permission provisionally.

The chair asks if members are happy to replace. Subject to and wholly dependant upon a satisfactory noise treatment plan being submitted.

A Cllr queried whether because the barn has been moved, is it as relevant as it is before.

The Assistant Director of Strategic Planning and Regulatory Services states this is what we need to find out.

A Cllr asked whether the conditions will affect the grant being permitted.

The Chair states If we grant then we grant.

Mr Manning states that permission, subject to any conditions is as good as no conditions.

A Cllr added that this will fit in nicely with the County wide food plan.

A Cllr stated they have no fear of noise issues. No loud equipment involved.

A Cllr stated that the orchard will not be in full production for 3 to 4 years so the condition regarding noise will not be relevant until then. They have plenty of time to submit report.

A Cllr asked who would decide if the noise details were satisfactory.

The Assistant Director of Strategic Planning and Regulatory Services stated it would be the Officer, along with Environmental Health. Unless members instruct us to bring it back to committee.

A Cllr stated the conditions must be fair and reasonable.

A Cllr stated he has all faith in officers to work with Environmental Health and is confident the applicants will cooperate. Neighbours deserve the protection. If all in, happy to permit.

The Chair summarised that members are happy to delete condition about hours and noise. Instead, replace with satisfactory noise treatment proposal scheme.

A vote was taken and the Members voted unanimously to permit.

Determination: on balance, the proposed building and use within will contribute with the aims of supporting a rural economy and larger aims of allowing the borough of Melton to continue the food and drink service industry which it prides itself on as the 'Rural Capital of Food'.

PL42	Urgent Business
	None

The meeting closed at: 7.00 pm

Chair

Advice on Members' Interests

COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS

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

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

PERSONAL AND NON-PECUNIARY INTERESTS

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

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

PERSONAL AND PECUNIARY INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

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

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

BIAS

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

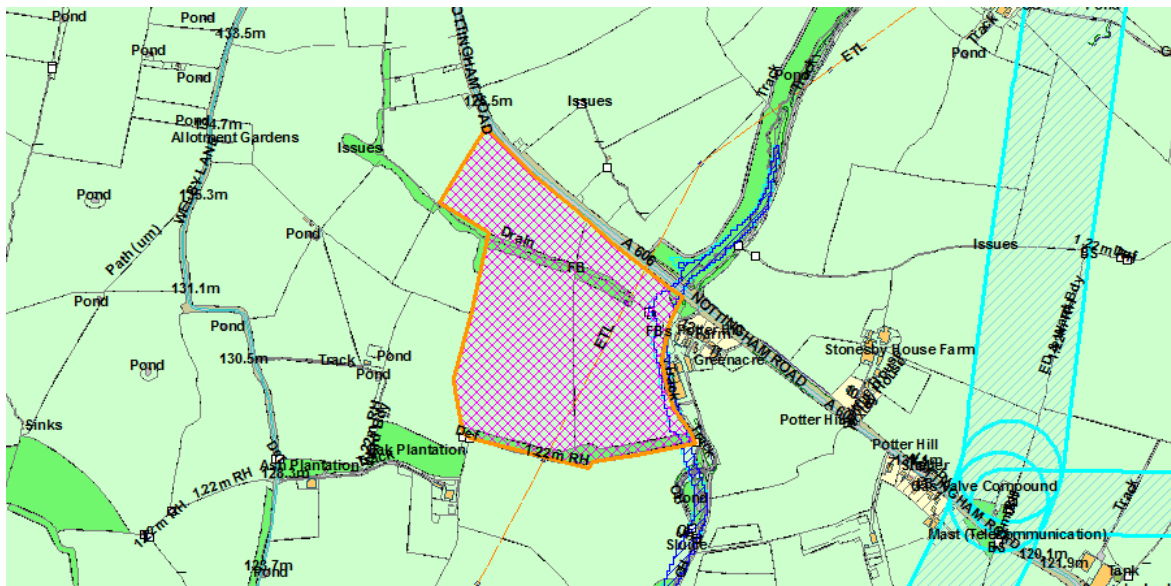
In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

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

This page is intentionally left blank

COMMITTEE DATE: 18th October 2018

Reference: 18/00040/FUL
Date submitted: 17th January 2018
Applicant: Sunrise Poultry Farms Ltd.
Location: Fields 9820, 7800 and 0005, Melton Road, Ab Kettleby
Proposal: Proposed erection of free range egg laying unit including site access and associated works.



Proposal :-

The application comprises the erection of a free range egg laying unit including site access and associated works. The building would be rectangular with a length of 140 metres and width of 20 metres, height to the eaves of 3.6 metres and to the ridge 6.3 metres. The proposal would include feed storage hoppers with a height of 7.6m, areas of hardstanding and a new access.

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**
- **Impact upon the character of the area**
- **Impact upon residential amenities**
- **Highway Safety**
- **Contamination**

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

History:-

There is no relevant history.

Planning Policies:-

The New Local Plan is expected to be adopted on 10th October 2018 and will for the Development Plan for the area. Under s 38(6) planning decisions must follow the policies of the of the Plan unless material considerations indicate otherwise

Policy SS1 sets out a presumption in favour of sustainable development,

Policy SS2 seeks to restrict new development in the countryside to that which is necessary and appropriate for the open countryside.

Policy EC2 states in order to support the rural economy the Council will allow for rural employment proposals that create or safeguard jobs including new well designed buildings and which include the use of land for agricultural activity subject to the proposal being of an appropriate scale for the location and having sufficient accessible off road parking provided.

Policy EN1 seeks to protect and enhance the Borough's landscape and countryside by ensuring new development is sensitive to its landscape setting, enhances the distinctive qualities of the landscape and requiring new development to respect existing landscape character and features.

Policy D1 seeks to raise the standard of design through siting and design being sympathetic to the character of the area, to protect the amenity of neighbours, utilise the existing trees and hedges together with new landscaping and make adequate car parking provision.

The National Planning Policy Framework

The NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. So that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development. For decision-taking this means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

At paragraph 83 the NPPF states planning decisions should enable the sustainable growth and expansion of all types of business in rural areas including through well-designed new buildings and the development of agricultural and other land-based rural business.

At paragraph 170 the NPPF states planning decisions should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing valued landscapes, recognising the intrinsic beauty of the countryside and preventing new development from contributing to unacceptable levels of air, water or noise pollution.

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
Ab Kettleby Parish Council: (Updated comments) The Parish Council have met with the above applicants and their concerns previously submitted have now been addressed and subject to approval by highways have no	Following the receipt of clarification the Highway Authority raised no objection to the proposal subject to conditions. This is detailed below. As such, it is considered the proposal would be adequately accessed and would not be harmful

objections.	to the local highway network.
<p>Highway Authority: No objection subject to conditions.</p> <p>The residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 subject to conditions.</p> <p>The Local Highway Authority submitted revised observations on 18th May 2018, advising the following:</p> <ul style="list-style-type: none"> • The submitted drawing was not based on an accurate topographical survey; • Visibility splays should be provided in line with the Design Manual for Roads and Bridges; • A 195 metre visibility splay to the north-west of the access should be demonstrated, along with a 174 metre forward visibility splay; • Clarification as to how the proposed 174 metre forward visibility splays stated by the Applicant were measured; • Consideration should be given to undertaking an additional speed survey at the site access in order to determine the wet weather 85%ile speeds. A speed survey should also be considered at the bend to the north-western extent of the visibility splay in order to determine the approach speeds; • Details should be provided with regards to the closure of the existing northern access; • Details are required with regards to demarcation of the highway boundary. <p>Additional comments in order to address the above were submitted. The Applicant confirmed visibility splays have been measured in accordance with the Design Manual for Roads and Bridges (DMRB) and maintains a splay of 2.4 x 189 metres can be achieved. The LHA have visited the site and accept splays of 2.4 x 189 metres can be achieved in a north-westerly direction to the centreline of the road. The LHA accept the Applicants view that due to the bend in the road drivers are unlikely to be approaching the site access from the north in excess of the recorded 85%ile southbound speed of 59.1mph, which was recorded at the proposed site access. In addition, it is accepted that vehicles would be unlikely to overtake on the bend due to the double white lines and therefore the visibility splay could be taken from the centreline of the road. Whilst the visibility splay falls six metres short of the desirable minimum of 195 metres requested by</p>	<p>The proposal seeks consent for a new access onto the A606 Nottingham to Melton Road and closure of the existing gated agricultural accesses. The application has been accompanied by a highway report and details of the vehicular movements to and from the site. The report states that on a weekly basis there would be 1 feed lorry, 1 waste removal vehicle and 3 lorries collecting eggs. Every 14 months there would be 8 lorries for delivery of pullets and removal of birds. The site would provide four parking spaces and one cycle space. The accompanying application form states that the proposal would employ 1 full time and 1 part time worker daily. The proposed development would generate, on average around 6 vehicle movements each day.</p> <p>The submitted highway statement concludes that as the site would be served from a new vehicular access from Nottingham Road, with the existing sub-standard access being permanently closed, this can be viewed as a highway safety gain.</p> <p>The proposed vehicular access would be designed and constructed in accordance with current Local Highway Authority standards and would have visibility splays out on to Nottingham Road which exceed the absolute minimum standards for sight stopping distances.</p> <p>Sufficient parking and turning can be provided within the site and it is not considered the use would generate a degree of additional traffic using this access and local highway network such that a refusal could be sustained.</p> <p>The findings of the Highway Authority on the revised proposals and additional information are noted. It is considered the site can be adequately accessed, that adequate parking would be provided and traffic generation would not be significant.</p> <p>Overall it is considered that the proposed would not have a detrimental impact on highway safety.</p>

<p>the LHA, based on the recorded speed of traffic the Applicant has maintained that the visibility splay is above the absolute minimum standard, which is 148 metres.</p> <p>The Applicants trip generation figures which have previously been accepted by the LHA indicate approximately 5.6 turning movements per day. With regards to larger vehicles, a total of four HGV's would visit the site per week, resulting in 8 turning movements per week and a single tractor would visit the site each week, resulting in two movements. Every 14 months 8 HGVs would visit the site removing the existing birds and bring in new birds, this would occur over a five week period. The LHA also accept that the site would generate a low volume of turning movements, particularly larger vehicles on a daily basis. The proposals would also result in the closure of two existing farm accesses on to the A606, one to the south of the site and one to the north which runs almost parallel to Nottingham Road and would require vehicles to undertake sharp manoeuvres on a bend if exiting to the right or entering from the left. Details of the closure of both accesses have now been provided on Redfern Kirton Design drawing number 1811/1B. Previous observations have advised this would be a highway gain.</p> <p>Overall, given the site specific circumstances outlined above, the LHA accepts the northern visibility splay of 189 metres. The LHA accepts the Applicants comments with regards to the delineation of the highway boundary, which would be considered at the detailed design stage.</p> <p>Adequate parking and turning facilities have been provided within the site and the LHA is satisfied the proposals would not lead to vehicles parking within or reversing into the highway.</p>	
<p>Environmental Health: Noise, odour and light are public health constraints associated with poultry & egg laying farms which can adversely impact on other land uses, residential amenity in particular. Poultry farms with places for 40,000 birds are deemed as intensive farming and require an environmental permit which is subject to conditions of operation and an odour management plan when placed within 400m of sensitive development. In this instance, the development is for 32,000 birds and falls short of the permitting threshold. There aren't any guidelines to indicate a suitable separation distance outside the permitting guidance so it is necessary to take a common sense approach based on the principle of acceptable land use.</p> <p>The nearest development is situated</p>	<p>Noted and other legislation not within the planning remit would also ensure that the proposal does not have a detrimental impact in terms of noise, odour and light.</p>

<p>approximately 400m to the east of the proposed poultry farm. This development appears to be agricultural/commercial with associated residential use. It is likely that the occupiers will be accustomed to agricultural odours. Residents in Ab Kettleby or Potter Hill are too distant to be significantly affected. Given the scale of development, separation distance and the nature of the nearest receptor, the development is considered to be acceptable and unlikely to adversely impact on other land users. The applicant is advised to follow the principles of 'best practical means' using 'best available technology' as per the permitting regime to minimise its environmental profile.</p>	
<p>Rights of Way Officer: No objection, subject to conditions.</p>	<p>Noted.</p>

Representations:

A site notice was posted, the application was advertised and neighbouring properties were consulted. As a result 37 representations of objection have been received and are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Character of the area</p> <p>The building will cover a very large area of land near the village, will be visibly intrusive and not in keeping with the area.</p>	<p>The proposal comprises a relatively large farm building with a footprint of 140 metres by 20 metres. However, given modern agricultural practices such buildings are not now unusual within the countryside. Furthermore, the building is relatively low with an eaves height of 3.6 metres and a ridge height of 6.3 metres. The site benefits from existing mature landscaping and further landscaping is proposed to comprise 5% of the of the total site area. Given the topography, the design and scale of the building and the existing and proposed landscaping it is not considered the proposed building would be visually prominent within the landscape.</p>

<p>Highways</p> <p>There will be an increase in traffic, especially HGV's which will cause an already dangerous and busy road to become more congested and increasingly dangerous.</p> <p>The location of the access is in a dangerous place, local residents are worried about the safety of the road users.</p> <p>Access is required 24/7 in the Design and Access Statement, but the daily hours are different in the Highways report.</p> <p>Who will be responsible for the cleaning of the roads, in case of spillage from waste vehicles – more accidents could be possible if this is the case.</p> <p>Impact on the public footpath crossing the area.</p>	<p>The Applicant states that on a weekly basis there would be 1 feed lorry, 1 waste removal vehicle and 3 lorries collecting eggs. Every 14 months there would be 8 lorries for delivery of pullets and removal of birds. The accompanying application form states that the proposal would employ 1 full time and 1 part time worker daily. Overall, the proposed development would generate, on average around 6 vehicle movements each day. The Highway Authority has confirmed the proposed traffic generation would not impact negatively on the local network and the access to serve the development would be acceptable.</p> <p>The hours of operation are stated as 0800 to 1700 Monday to Friday and 0800 to 1400 at other times. However, access is required at all times on the grounds of animal welfare.</p> <p>It is not considered the proposal would lead to further detritus on the highway as the site is already in agricultural use.</p> <p>The Footpaths Officer raised no objection to the proposal subject to conditions.</p>
<p>Policy</p> <p>Local Plan states that 'new developments will be restricted to that which is necessary and appropriate in the open countryside' – this development is neither.</p>	<p>The Local Plan policies seek to restrict development in rural areas to that which requires a countryside location and which is appropriate. The proposal requires a countryside location and is an agricultural operation; it is therefore a rural operation and requires a countryside location. In principle therefore the proposal complies with these Local Plan policies which themselves reflect the NPPF.</p>
<p>Environmental Concerns</p> <p>The removal of waste states once a week, this seems inadequate especially if it includes dead birds. A holding tank is mentioned in the Design and Access Statement but don't appear to be on the plans.</p> <p>The smell and noise from this development will be a blight on the local environment. Airbourne pollutants including poultry dust can cause respiratory issues including asthma and chronic bronchitis.</p> <p>Vermin and flies will be attracted to the area due to the food, dead and live birds.</p>	<p>Environmental Health has confirmed they have no objection to the proposal and are content the operation could take place without harm to residential amenity. A condition can be imposed to control the regime of clearing out the building and for waste management. This condition would also control the location of the holding tank.</p>

<p>The potential for the pollution of the local watercourses from run off.</p> <p>There may be light pollution from industrial lighting on the development</p>	
<p>Wildlife</p> <p>Wildlife will be adversely affected by the proposed wire netting surrounding the are; Deer especially may get caught in this.</p> <p>Tree planting will be 5%, will this be an additional 5%?</p>	<p>The site occupies a rural location and light pollution should be strictly controlled. A condition can be imposed to secure details of external illumination.</p> <p>There is no evidence wildlife would be adversely affected by the proposal. The site is in agricultural use already.</p> <p>The total tree planting for the area will cover 5% of the overall site; this includes existing and proposed planting. A condition to secure the landscaping scheme can be imposed.</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Principle of Development</p> <p>Melton Local Plan Policy SS2 seeks to restrict new development in the countryside to that which is necessary and appropriate for the open countryside.</p> <p>Policy EC2 states in order to support the rural economy the Council will allow for rural employment proposals that create or safeguard jobs including new well designed buildings and which include the use of land for agricultural activity subject to the proposal being of an appropriate scale for the location and having sufficient accessible off road parking provided.</p>	<p>Policy SS2 and EC2 are supportive of the development in principle, in its countryside location.</p> <p>The NPPF supports the development of agriculture and the sustainable growth and expansion of all types of business and enterprise in rural areas.</p> <p>The application proposes the erection of a free range egg laying unit for up to 32,000 laying hens. As such there is support for agricultural development in rural areas subject to an assessment of the visual impact, amenity, neighbouring properties and highway safety.</p> <p>Therefore, in principle the proposal is considered to meet the policy requirements of Local Plan Policies, SS2 and EC2 and the requirements of the NPPF.</p>
<p>Visual Amenity</p>	<p>The building is to be located in the open countryside detached from any settlement. The site is surrounded by open countryside with Potter Hill Farm to the south-east. The site is currently undeveloped arable land which contains a number of hedgerows and tree belts. The proposal is not in connection with an existing farm or agricultural use.</p> <p>This application proposes a new free range egg</p>

	<p>laying unit. The building would be of substantial size and scale and is to provide housing and feeding for 32000 laying hens. The site for the building and free range birds equates to 18.15ha and covers an area with different levels. The land slopes from the highway to the south and raises to the north-west.</p> <p>Whilst large, the building has been designed to be typical for this type of unit and similar to other poultry units within the Borough. The building would be constructed from brown tannalised timber weather boarding and a green metal panel roof. The proposed feed hoppers are to be painted juniper green.</p> <p>The application area is well screened by existing hedging to all boundaries and it is proposed to line the existing boundary hedging with agricultural wire netting fencing. The applicants have stated that the highway boundary hedge will be allowed to grow to 5 metres with bi-annual cutting to maintain its shape. It is also proposed to plant trees on 5% of the total site area.</p> <p>The proposed building can be screened within the landscape by existing hedgerows and the proposed planting and would not be unduly prominent in landscape. The proposed size, materials and design is typical of this type of building and as such the proposal is considered to be acceptable and in accordance with the above policies and guidance.</p> <p>It is considered that due to the proposed design, scale and mass of the building and the existing and proposed landscaping that the proposed development would not be visually intrusive and would be an acceptable form of development in the countryside.</p>
<p>Residential Amenity</p>	<p>The proposed building would be sited to the west of the site in close proximity to an existing boundary hedge. There are no adjacent properties to the north, south or west boundary of the site.</p> <p>The building is considered to be sufficient distance from adjoining land uses so as not to have any detrimental impact. Conditions can be imposed to control waste management and lighting. No other properties would be unduly affected by the proposal and the development would comply with Policy BE1, Policy D1 and the NPPF.</p>

Conclusion

The proposal comprises an agricultural building within the countryside. The proposal is supported in principle in policy terms by adopted, and national planning policies. The proposal would not have any undue adverse impact on residential amenity or highway safety and has been designed to respect the character and appearance of the locality. As such, the proposal is considered to be in compliance with the Local Plan policies referred to

above and principles of the NPPF. There are no material considerations present which it is considered would justify a departure from the Development Plan.

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. This permission relates to the following plans: 1811/b Layout and Location Plan and 1811/2 Layout and Elevations.
3. 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.
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. No development shall take place until details of all external lighting and internal lighting visible from outside of the building has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details and thereafter be so maintained.
7. Notwithstanding the detail of Drawing No. 1811/1b the field gate at the junction of Footpath G59 and the A606 should be replaced with a kissing gate compliant with LCC standard drawing SDFP12_REV_A.
8. Notwithstanding the detail of Drawing No. 1811/1a no agricultural wire fencing must be placed across the line of Public Footpath G59.
9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Redfern Kirton Design drawing number 1811/1B have been implemented in full. Once provided, the visibility splays shall be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent highway.
10. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the two existing vehicular accesses on Nottingham Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
11. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
12. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 17.5 metres of the highway boundary, nor shall any be erected within a distance of 17.5 metres of the highway boundary unless hung to open away from the highway.

13. No development shall take place until details of a waste management plan have been submitted to and approved in writing by the Local Planning Authority. These details shall include the method of removing waste from the building and site, the frequency, times and days, vehicle types and appropriate measures to minimise noise disturbance. The operation shall be carried out in accordance with these approved details.

Reasons

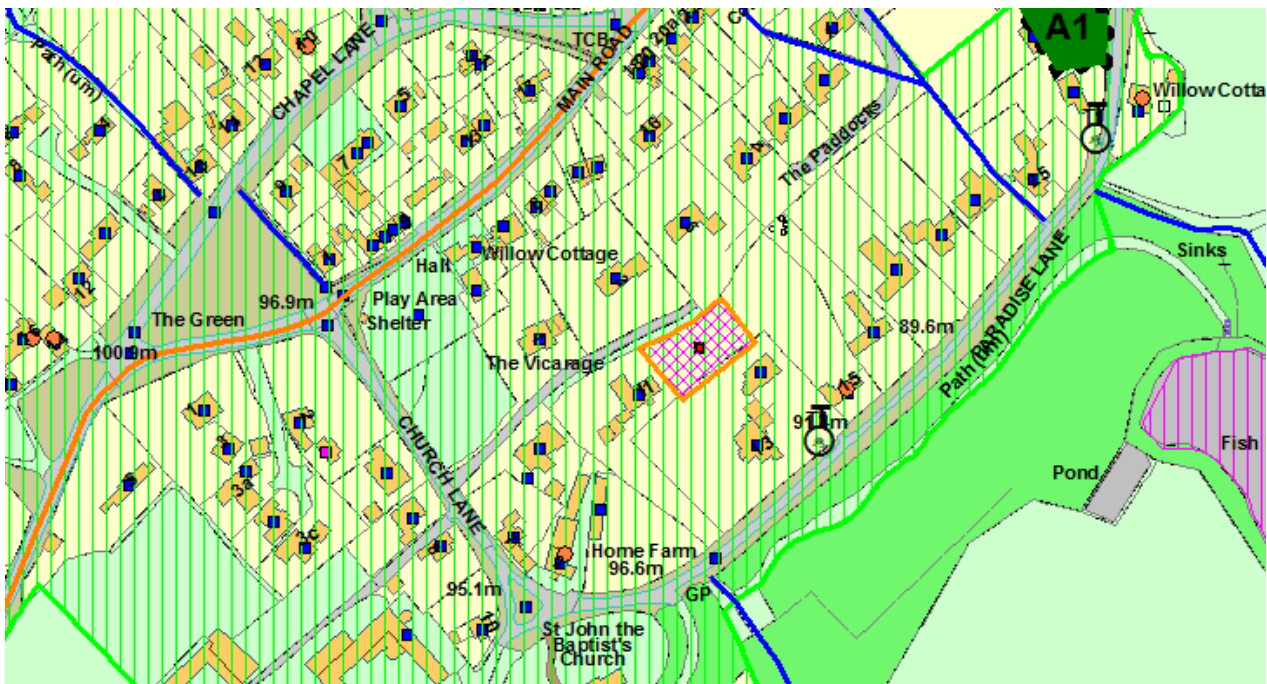
1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To provide a reasonable period for the replacement of any planting.
6. To preserve the amenities of the locality.
7. To ensure access to the Public Footpath is retained.
8. To ensure access to the Public Footpath is retained.
9. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018).
10. In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2018).
11. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
12. To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2018).
13. In the interests of residential amenity.

Officer to contact: **Mr Joe Mitson**

Date: 2nd October 2018

COMMITTEE DATE: 18th October 2018

Reference: 18/00919/FUL
Date Submitted: 02.08.2018
Applicant: Cllr. J T Orson
Location: Land Adj. to No 11 And 13, Paradise Lane Old Dalby
Proposal: Erection of a single dwelling



Introduction:-

The proposal seeks full planning permission for the erection of a new dwelling in Old Dalby. The site is located in the centre of the village within the conservation area south of Paradise Lane which is characterised by multiple single dwellings of varying appearance.

The dwelling itself is proposed as a one and half storey and two dwelling composed of two distinct sections. There is a hipped roof and adjoining hipped roof entrance and double garage with the second with a higher hipped roof section proposed to be made from zinc. This section will have a glazed first floor aspect with several roof lights. It will be a three bedroom property with its entrance on the south eastern elevation.

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

- **Compliance or otherwise with the, Development Plan (Local Plan and Neighbourhood Plan) and the NPPF**
- **Impact upon the character of the area**

The application is presented to the Planning Committee owing to the applicant being an elected Member of Melton Borough Council.

Relevant History:-

None

Planning Policies:-**Melton Local Plan 2011-2036**

The New Local Plan is expected to be adopted on 10th October 2018 and will form the Development Plan for the area. Under s 38(6) planning decisions must follow the policies of the Plan unless material considerations indicate otherwise

Policy SS1 - Presumption in favour of Sustainable Development

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. 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.

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.

Policy SS2 – Development Strategy

Provision will be made for the development of at least 6,125 homes and some 51 hectares of employment land between 2011 and 2036 in Melton borough.

Alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.

Policy SS3 – Sustainable Communities (unallocated sites)

In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 above which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas.

Policy EN13- Heritage Assets:

The NPPF provides national policy for considering proposals which affect a heritage asset. This includes the need to assess the effect of a proposal on the significance of an asset and the need for a balanced judgment about the scale of any harm or loss and the significance of the heritage asset.

Melton Borough has a number of important historic assets. These include Listed Buildings, Conservation Areas, Scheduled Monuments (SMs) and non-designated heritage assets (ranging from nationally to locally important heritage features).

The Borough of Melton contains heritage assets that are at risk through neglect, decay or other threats. These will be conserved, protected and where possible enhanced.

The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:

- A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.
- B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.
- C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;
- D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;
- E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and
- F) the use of Article 4 directions where appropriate.
- G) taking account of any local heritage assets listed in Neighbourhood Plans.

Policy D1 – Raising the Standard of Design

All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:

- a) Siting and layout must be sympathetic to the character of the area;
- b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD);
- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;
- d) Amenity of neighbours and neighbouring properties should not be compromised;
- e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste;
- f) Sustainable means of communication and transportation should be used where appropriate;
- g) Development should be designed to reduce crime and the perception of crime.
- h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;
- i) Proposals include appropriate, safe connection to the existing highway network;
- j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments;
- k) Makes adequate provision for car parking; and
- l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

Broughton and Dalby Neighbourhood Plan

Policy S1: limits to development – Development proposals within the Plan area on sites within the Limits to Development, or in terms of new sporting or recreational facilities close or adjacent to the Limits to Development as identified in Figures 2, 4, 6 and 7 for residential development and Figures 3 and 5 for employment, will be supported.

Policy H6: housing design - Development proposals are encouraged to have regard to the following building design principles to a degree that is proportionate to the development:

- a) It is of a density, size, scale, massing and height that reflects Broughton and Old Dalby's character and that of its rural settlements giving an impression of space, pleasant street scenes and an inclusive road layout with short cuts linking existing roads together; and
- b) The design and materials are in keeping with the individual character and local distinctiveness of the Parish. Building styles should be diverse and make a valuable contribution to retaining the integrity of the rural character of the individual settlements. Developments should utilise and be complementary to existing neighbouring buildings' features e.g. interlocking eaves, flashing buttresses, local slate and brickwork; and
- c) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less, and three spaces for dwellings of four bedrooms or more; and
- d) Street and curtilage lighting should be at low level and shaded above so that light pollution is maximally controlled; and
- e) Development proposals will be required to protect designated historic assets and their setting where appropriate; and
- f) Appropriate landscaping including the provision of indigenous trees and large shrubs.

National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018.

Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

Other relevant policies in the NPPF relevant to this application include:

Delivering a sufficient supply of homes

- To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Conserving and enhancing the historic environment

Considering Potential Impacts

- Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
- Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Consultations:-

Consultation Reply	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>LCC Highways The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.</p>	<p>This has been fully considered and as a result of the advice:</p> <ul style="list-style-type: none"> • Two parking spaces have been provided in line with the standards for a three bedroom property • There is adequate visibility for users leaving the spaces • Drainage will be conditioned so that any outfall will not be deposited within the highway network. • These spaces will be conditioned to be hard bound to ensure no deleterious material is deposited in the highway (loose stones etc.)
<p>LCC Archaeology The Leicestershire and Rutland Historic Environment Record (HER) notes the proposal site lies within the historic core settlement of Old Dalby (MLE9269) and Old Dalby Conservation area (DLE452) and is adjacent to medieval remains to the rear of Main Street (MLE15774) and Old Dalby cottage listed grade II (DLE2521). Previous excavations at 16-30 Main Road have revealed the presence of a possible plot boundary which contained an amount of 12th century pottery and possible plot divisions along with occupation activity from the late 9th to the 14th centuries and a small stone structure containing a high quantity of charred plant remains (ELE6104). In addition further post medieval finds were revealed during works at Woodbine Cottage (ELE5421). In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the</p>	<p>Noted and conditions can be applied as requested.</p>

<p>significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.</p> <p>In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request. If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.</p> <p>Conditions Recommended</p>	
<p>Broughton and Old Dalby Parish Council A majority of Cllrs were concerned that the size of the proposed dwelling is disproportionate and the style not in keeping with the surrounding area.</p> <p>Would like H6 Housing Design policy to be taken into account.</p>	<p>The concern is noted and is addressed in full below.</p>

Representations:-

As a result of a site notice, neighbour notification letters no letters of representation have been received.

Other Material Considerations Not Raised By Representations:-

Other Material Consideration	Assessment of Assistant Director of Planning and Regulatory Services
<p>Melton Local Plan</p> <p>The New Local Plan is expected to be adopted on 10th October 2018 and will for the Development Plan for the area. Under s 38(6) planning decisions must follow the policies of the of the Plan unless material considerations indicate otherwise</p> <p>Policy SS2 – Development Strategy Encourages new homes as 'windfall' sites within Rural Hubs.</p>	<p>The proposed development would be located in a rural hub which is considered to be a village with a relatively good sustainable 'rating' with access to key facilities. For Old Dalby, there is a good bus service, primary school nearby, village hall, public house and</p>

<p>Policy C2 – Housing Mix We will seek to manage the delivery of a mix of house types and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability, taking account of site specific circumstances and the housing mix information set out in Table 9 or in any future update of the housing mix evidence.</p> <p>Policy D1 – Raising the Standard of Design All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:</p> <ul style="list-style-type: none"> a) Siting and layout must be sympathetic to the character of the area; b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD); c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design; d) Amenity of neighbours and neighbouring properties should not be compromised; e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste; f) Sustainable means of communication and transportation should be used where appropriate; g) Development should be designed to reduce crime and the perception of crime. h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development; i) Proposals include appropriate, safe connection to the existing highway network; j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments; k) Makes adequate provision for car parking; and l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all. 	<p>church will offer many options that reduce dependency on the use of the private car. The development would provide a two bedroom property that is in most need within the village according to the 2015 housing needs report.</p> <p>The development would provide a three bedroom property that is in most need within the village according to the 2015 housing needs report.</p> <p>The area surrounding the application site is characterised by modern dwellings on generous plots which does not form any distinct or special character. The dwelling proposed is quite a striking proposal which does differ from those along the road. This is however is deemed to be acceptable as there is no definite characteristics along the road which it is considered are necessary to reflect in the design.</p> <p>The dwelling does have elements of difference within the local area including the zinc roof but also brick and tile which is characterful of the local area.</p> <p>On balance, the development is considered to accord with these policies.</p>
<p>NPPF</p> <p>Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, a Local Planning Authority should grant permission unless: the application of the</p>	<p>The application is required to be considered against the Development Plan and other material considerations. The Local Plan has been Examined and it has been concluded it is compatible with the NPPF 2012 version. There are not considered to be any changes in the 2018 version that result in it becoming 'out of date' when applied to this</p>

<p>policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>	<p>application.</p>
<p>Broughton and Dalby Neighbourhood Plan POLICY S1: LIMITS TO DEVELOPMENT – Development proposals within the Plan area on sites within the Limits to Development, or in terms of new sporting or recreational facilities close or adjacent to the Limits to Development as identified in Figures 2, 4, 6 and 7 for residential development and Figures 3 and 5 for employment, will be supported.</p> <p>POLICY H6: HOUSING DESIGN - Development proposals are encouraged to have regard to the following building design principles to a degree that is proportionate to the development:</p> <ol style="list-style-type: none"> a) It is of a density, size, scale, massing and height that reflects Broughton and Old Dalby’s character and that of its rural settlements giving an impression of space, pleasant street scenes and an inclusive road layout with short cuts linking existing roads together; and b) The design and materials are in keeping with the individual character and local distinctiveness of the Parish. Building styles should be diverse and make a valuable contribution to retaining the integrity of the rural character of the individual settlements. Developments should utilise and be complementary to existing neighbouring buildings’ features e.g. interlocking eaves, flashing buttresses, local slate and brickwork; and c) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less, and three spaces for dwellings of four bedrooms or more; and d) Street and curtilage lighting should be at low level and shaded above so that light pollution is maximally controlled; and e) Development proposals will be required to protect designated historic assets and their setting where appropriate; and f) Appropriate landscaping including the provision of indigenous trees and large shrubs. 	<p>The development is within the limits to development as stated opposite.</p> <p>The dwelling proposed is quite a striking proposal which does differ from those along the road. This is however is deemed to be acceptable as there is no definite character along the road.</p> <p>The dwelling does have elements of difference within the local area including the zinc roof but also brick and tile which is characterful of the local area. It is not considered that the rural character of the village is undermined by these differences, nor that they will be harmful the character of the immediate or wider area.</p> <p>The property is three bedrooms and a two bay garage has been provided in line with this policy requirement.</p> <p>No lighting is proposed.</p> <p>The development is deemed to on balance be acceptable to the area (see below).</p>
<p>Impact on character and appearance of the Conservation Area</p> <p>Section 72 of the Listed Building and Conservation Areas Act (1990) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.</p>	<p>The proposal is deemed to be in accordance with</p> <p>The property is located down an unadopted track where there has been a series of modern C21 dwellings constructed behind Paradise Lane. There are no heritage assets located in close proximity, although the application site is visible from the Old Vicarage, a red brick Victorian house on Paradise Lane which is</p>

<p>Local Plan policy EN 13 states that: Heritage assets will be conserved, protected and where possible enhanced.</p> <p>The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through the application of criteria.</p>	<p>unlisted, although recognised as a non-designated heritage asset.</p> <p>The new dwelling will have a marginal impact on the character of The Old Vicarage and is not considered sufficient grounds to warrant a refusal for development. The palette of materials employed, including the zinc roof, expressionist brickwork and shallow pitched sloping roofline will make a positive contribution to the character of the area, and will provide a clean break from the surrounding ‘pastiche’ vernacular detached houses, in stretcher bonded red brickwork.</p>
--	---

Conclusion:-

It is considered that on balance, the proposed dwelling will contribute to the development of housing in what is a sustainable village of Old Dalby owing to its ‘Rural Hub’ status within the Melton Local Plan. The scheme is within Old Dalby and within the Neighbourhood Plan limits where there is an overall support for building for residential purposes.

It is considered that the proposed development is compliant with the Local Plan and the policies contained within the NPPF and there are no material considerations which would justify the refusal of the application.

Recommendation: - Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbered A100a; A101 and A102a received by the Local Planning Authority on 14th August 2018.
3. The car parking and any turning facilities shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
4. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The details for submission shall include:-
 - a) Windows and doors – timber has been considered the most appropriate owing to the site characteristics
 - b) Trick Vents
 - c) External materials including bricks and roofs
 - d) Treatment of Verges and Eaves
 - e) Rainwater goods
5. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within class A, specified in A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

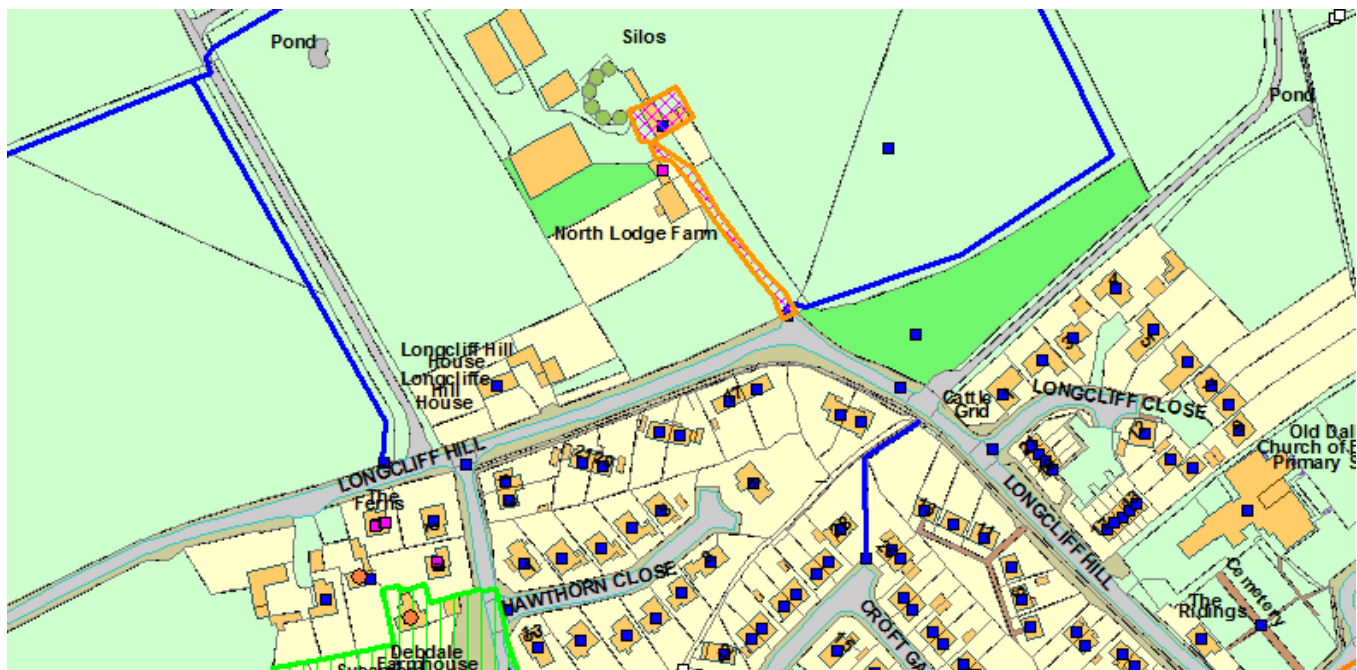
4. To ensure the finished development is of a high standard of design through details that will be later submitted to the Local Planning Authority.
5. In order for the LPA to control further extensions in the interests of neighbour and visual amenity.

Officer to contact: Glen Baker-Adams

Date: 10th October 2018

COMMITTEE DATE: 18th October 2018

Reference: 18/00506/FUL
Date Submitted: 30.04.2018
Applicant: Cllr. J T Orson
Location: North Lodge Farm, Longcliff Hill Old Dalby LE14 3LP
Proposal: Conversion of existing brick and tile building to form one dwelling and associated garden and parking area.



Introduction:-

The proposal seeks full planning permission to convert an existing agricultural building to a new dwelling and the creation of two parking spaces for the house and two for the existing dwelling. The site is located to the north of Old Dalby village itself, along an access track where an existing dwelling is already present to the west.

The dwelling itself is proposed as a single storey construction made of two distinct components with a hipped roof on one and another one with a flat roof with apex roof in the centre. It will be a two bedroom property with its entrance on the southern elevation. Various openings and windows will be created to make the property well ventilated in terms of light and be in a combination of timber cladding and existing brickwork.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon highway safety**

The application is presented to the Planning Committee owing to the applicant being an elected member of Melton Borough Council.

Relevant History:-

None

Planning Policies:-**Melton Local Plan 2011-2036**

The New Local Plan is expected to be adopted on 10th October 2018 and will form the Development Plan for the area. Under s 38(6) planning decisions must follow the policies of the Plan unless material considerations indicate otherwise

Policy SS1 - Presumption in favour of Sustainable Development

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. 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.

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.

Policy SS2 – Development Strategy

Provision will be made for the development of at least 6,125 homes and some 51 hectares of employment land between 2011 and 2036 in Melton borough.

Alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.

Policy SS3 – Sustainable Communities (unallocated sites)

In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 above which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas.

Policy D1 – Raising the Standard of Design

All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:

- a) Siting and layout must be sympathetic to the character of the area;
- b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD);
- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;
- d) Amenity of neighbours and neighbouring properties should not be compromised;
- e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste;

- f) Sustainable means of communication and transportation should be used where appropriate;
- g) Development should be designed to reduce crime and the perception of crime.
- h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;
- i) Proposals include appropriate, safe connection to the existing highway network;
- j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments;
- k) Makes adequate provision for car parking; and
- l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

Broughton and Dalby Neighbourhood Plan

Policy S2: development proposals outside the defined limits to development - Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.

Policy BE3: re-use of agricultural and commercial buildings. -

The re-use, conversion and adaptation of rural buildings for small businesses, residential, recreation, or tourism purposes (including equestrian activities) will be supported where:

- a) The use proposed is appropriate to the rural location;
- b) The conversion/adaptation works respect the local character of the surrounding area;

National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018.

Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

Other relevant policies in the NPPF relevant to this application include:

Delivering a sufficient supply of homes

- To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Consultations:-

Consultation Reply	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>LCC Highways The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.</p>	<p>This has been fully considered and as a result of the advice:</p> <ul style="list-style-type: none"> • Two parking spaces have been provided in line with the standards for a three bedroom property • There is adequate visibility for users leaving the spaces • Drainage will be conditioned so that any outfall will not be deposited within the highway network. • These spaces will be conditioned to be hard bound to ensure no deleterious material is deposited in the highway (loose stones etc.)
<p>LCC Ecology <i>Revised response following survey – 19.09.2018</i> The ecology report submitted in support of this application (CBE Consulting, September 2018) is satisfactory. No evidence of bats was found within the buildings and they were generally considered to be of negligible to low value for roosting bats. No further surveys are therefore required and we have no further comments on, or objections to, this development. vised response following survey.</p>	<p>Noted.</p>
<p>MBC Building Control Layout would be satisfactory for both Fire and Refuge access.</p>	<p>Noted</p>
<p>Broughton and Old Dalby Parish Council Whilst Cllrs did not object to this individual plan they expressed real concern regarding the cumulative impact of this application in addition to 33 other dwellings all also approved all exiting on a narrow road on to a dangerous section of highways. Cllrs seek assurance that the full impact of all approved applications will be considered by Highways.</p>	<p>This concern is noted but in this instance is considered that the impact of an extra two bedroom dwelling would not have a demonstrable and severe impact on highway safety.</p> <p>Being a development of less than five dwellings, standing advice applies and as above this has been fully assessed with suitably worded conditions as imposed below.</p>

Representations:-

As a result of a site notice, neighbour notification letters no letters of representation have been received.

Other Material Considerations Not Raised By Representations:-

Other Material Consideration	Assessment of Assistant Director of Planning and Regulatory Services
<p>Melton Local Plan The New Local Plan is expected to be to be adopted on 10th October 2018 and will for the Development Plan for the area. Under s 38(6) planning decisions must follow the policies of the of the Plan unless material considerations indicate otherwise</p>	<p>The proposed development would be located in a rural hub which is considered to be a village with a relatively good sustainable ‘rating’ with access to key facilities. For Old Dalby, there is a good bus service, primary school nearby, village hall, public house and</p>

	<p>church will offer many options that reduce dependency on the use of the private car. The development would provide a two bedroom property that is in most need within the village according to the 2015 housing needs report.</p> <p>The development is considered to accord with these policies.</p>
<p>NPPF</p> <p>Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, a Local Planning Authority should grant permission unless: the application of the policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>	<p>The application is required to be considered against the Development Plan and other material considerations. The Local Plan has been Examined and is it has been concluded it is compatible with the NPPF 2012 version. There are not considered to be any changes in the 2018 version that it is 'out of date' applicable to this application.</p>
<p>Broughton and Dalby Neighbourhood Plan</p> <p>POLICY S2: DEVELOPMENT PROPOSALS OUTSIDE THE DEFINED LIMITS TO DEVELOPMENT - Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.</p> <p>POLICY BE3: RE-USE OF AGRICULTURAL AND COMMERCIAL BUILDINGS. - The re-use, conversion and adaptation of rural buildings for small businesses, residential, recreation, or tourism purposes (including equestrian activities) will be supported where: a) The use proposed is appropriate to the rural location; b) The conversion/adaptation works respect the local character of the surrounding area;</p> <p>POLICY H6: HOUSING DESIGN - Development proposals are encouraged to have regard to the following building design principles to a degree that is proportionate to the development: a) It is of a density, size, scale, massing and height that reflects Broughton and Old Dalby's character and that of its rural settlements giving an impression of space, pleasant street scenes and an inclusive road layout with short cuts linking existing roads together; and b) The design and materials are in keeping with the individual character and local distinctiveness of the Parish. Building styles should be diverse and make a valuable contribution to retaining the integrity of the</p>	<p>The application is in accordance with National and Local policies (see above).</p> <p>The dwelling is a conversion of an existing agricultural building which in itself is a rural structure which will be of a character of the local area.</p> <p>As above.</p>

<p>rural character of the individual settlements. Developments should utilise and be complementary to existing neighbouring buildings' features e.g. interlocking eaves, flashing buttresses, local slate and brickwork; and</p> <p>c) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less, and three spaces for dwellings of four bedrooms or more; and</p> <p>d) Street and curtilage lighting should be at low level and shaded above so that light pollution is maximally controlled; and</p> <p>e) Development proposals will be required to protect designated historic assets and their setting where appropriate; and</p> <p>f) Appropriate landscaping including the provision of indigenous trees and large shrubs.</p>	<p>The property is two bedrooms and off street parking has been provided in line with this policy requirement.</p> <p>No lighting is proposed.</p> <p>The development would not impact on any designated asset.</p> <p>The development is located well within the agricultural site which is well screened with high trees.</p>
---	---

Conclusion:-

It is considered that on balance, the proposed dwelling will contribute to the development of housing in what is a sustainable village of Old Dalby owing to its 'Rural Hub' status within the Melton Local Plan. The scheme is reasonably well connected to Old Dalby and within the neighbourhood plan there is an overall support for conversions of agricultural buildings for residential purposes. Being also an existing agricultural building it is considered that the change of use will not impact upon the local area character and be overall sensitive to the area setting.

It is considered that the proposed development is compliant with the Local Plan and the policies contained within the NPPF. There are no material considerations present which it is considered would justify a departure from the Development Plan.

Recommendation:- Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbered 7720-01-01 received by the Local Planning Authority on 16th July 2018 and drawing numbered 7720-03-02 received by the Local Planning Authority on 30th July 2018. The recommendations within the CBE Consulting, September 2018 report should also be followed.
3. The car parking and any turning facilities shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
4. 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
5. The residential curtilage of the dwelling hereby approved shall be that shown on drawing 7720-01-01 as indicated by a red line and shall be retained as such in perpetuity.
6. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within class A, specified in A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
4. To ensure the finished development is of a high standard of design as indicated by the submitted plans
5. In order to ensure the development and associated structures does not encroach onto countryside land adjacent to the site.
6. In order for the LPA to control further extensions in the interests of neighbour and visual amenity.

Officer to contact: Glen Baker-Adams

Date: 10th October 2018

This page is intentionally left blank

PLANNING COMMITTEE

18th OCTOBER 2018

UPDATE REPORT: 18/00632/OUT: RESIDENTIAL DEVELOPMENT FOR UP TO 60 DWELLINGS WITH ACCESS FROM GRANTHAM ROAD AND ASSOCIATED DRAINAGE INFRASTRUCTURE AND PUBLIC OPEN SPACE.

1. Introduction

- 1.1 The purpose of this report is to provide an update to the Committee in respect of the above planning application and to set out the issues with condition 22, which relates to a proposed pedestrian and vehicular access between the application site and adjacent site to the West (17/01577/OUT) as presented by the applicant.**

2. Background

- 2.1 Members will recall that the planning application was considered at the meeting of 6th September 2018 and was approved, subject to conditions, including an additional condition which had been recommended by the planning committee (condition 22). It is also proposed that a S106 Agreement will accompany the permission.
- 2.2 This proposed condition required that a vehicular and pedestrian access be provided in the application to link the application site with the adjacent application (ref 17/01577/OUT).

3. Update

- 3.1 The Agent has requested that the proposed condition is removed from the permission for a number of reasons, and has provided the Council with a supporting statement for this.
- 3.2 The Agent has highlighted that the adjacent Davidsons site (17/01577/OUT) is not subject to the same condition, requiring the inclusion of a vehicular link between the two sites. Therefore they consider that such a condition would be ineffective and would require the consent of Davidsons to implement and therefore would fail the conditions test.
- 3.3 Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other

aspects.

- 3.4 The Agent has also stated that the inclusion of this condition would result in a ransom situation where the client would be required to pay 30% of the development value to Davidsons and therefore would render the scheme unviable and therefore preventing development.
- 3.5 Linking the two sites would result in a loss of plots of both sites, bringing into question if the sites would be able to provide policy compliant affordable housing for both developments.
- 3.6 The site access has been constructed in accordance with the Leicestershire County Council Highways Design and is capable of being able to serve up to 150 dwellings from a single access point. Therefore in highways terms, the Agent has stated that a second access linking the two sites is not needed. In addition to this, the County Highway Authority did not objection to the proposed development without the internal link road.
- 3.7 The Agent has stated that a pedestrian / cycle link is accepted by both their client and Davidsons and would accept a condition which would reflect this.

4. Recommendation

- 4.1 Taking into account the above issues raised and the conditions “test” as included in the NPPF, it is considered that the inclusion of a vehicular link as proposed at the Planning Committee meeting is inappropriate. It is recommended that the proposed condition wording is amended, which would remove the requirement for a vehicular link, but would provide a pedestrian/ cycle link between the two sites.

Background documents:

- Report to the meeting of the Planning Committee 6th September 2018
- Minutes of the meeting of 6th September 2018.