



Rural Capital of Food

Agenda

Meeting name	Planning Committee
Date	Thursday, 31 January 2019
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, 23 January 2019

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the previous meeting on 13 th December 2018.	1 - 14
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	15 - 16
4.	SCHEDULE OF APPLICATIONS	
4 .1	18/01435/FUL Field OS 8900, Folville Street, Ashby Folville	17 - 30
5.	DEED OF VARIATION 17/00641/OUT The Assistant Director of Planning And Regulatory Services to report a request to amend the content of the s106 agreement associated with the above application.	31 - 34
6.	DM PERFORMANCE REPORT - QUARTER 3 2018/19 The Development Manager to submit a report providing information on Development Management Performance in Q3 (Oct – Dec 2018).	35 - 46
7.	URGENT BUSINESS To consider any other items that the Chair considers urgent	

Minutes

Meeting name	Planning Committee
Date	Thursday, 13 December 2018
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors

P. Posnett (Vice-Chair)	P. Baguley
G. Botterill	P. Cumbers
P. Faulkner	M. Glancy
L. Higgins	E. Holmes
B. Rhodes	

Observers

Officers

- Solicitor To The Council (RP)
- Assistant Director for Strategic Planning and Regulatory Services
- Development Manager (LP)
- Planning Officer (GBA)
- Planning Officer (TE)
- Administrative Assistant (JD)

Minute No.	Minute
PL55	<p>Apologies for Absence Cllr Bains sent his apologies. Cllr Greenow sent his apologies and was substituted by Cllr Higgins.</p>
PL56	<p>Minutes Minutes of the meeting held on Thursday 15th November 2018.</p> <p>Approval of the minutes was proposed by Cllr Baguley and seconded by Cllr Faulkner. It was unanimously agreed that the Chair sign them as a true record.</p>
PL57	<p>Declarations of Interest Cllr Rhodes declared that he had personal interest in matters related to County Council which might arise during the meeting. Cllr Posnett declared that as a County Cllr, she had a personal interest in anything that may relate to the County Council. Cllr Higgins stated he didn't believe he did have a personal interest but made the following statement; it's been made aware to the monitoring officer that I may have an interest in the land owner. I do not know the Agent or Applicant of item 4.1. However I spoke to the monitoring officer and may have known the former owner of the site but that does not mean I have an interest. I have full confidence in the committee to make a decision in my absence so will leave the room on that. Monitoring officer, solicitor, have both advised me I am free to proceed. I will not prejudice the decision you make for that.</p>
PL58	<p>Schedule of Applications The Chair informed the Committee that Item 4.3 had been withdrawn. Cllr Higgins left the meeting at 18:11pm, before the application was discussed.</p>
PL58.1	<p>18/00721/OUT Applicant: Rosconn Strategic Land – Mr Nick Carr Location: OS 4240, Burdetts Close, Great Dalby Proposal: Outline planning application for the construction of up to 35 no. dwellings (Class C3) (amended from 38) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved.</p> <p>(a) The Planning Officer (GBA) stated that: The following application is an outline proposal for up to 35 dwellings off Burdetts Close, Great Dalby. All matters are reserved apart from the principle, access and the layout. This layout has been amended on numerous occasions to take into consideration the representations of English Heritage and other relevant consultees. Before discussing the full details of the case, I would like to report the following</p>

updates/revisions to the published report before you.

- An additional representation has been received from a Mrs. Hardy of 1 Main Street Great Dalby concerning impacts upon views, being overlooked, noise and flooding issues.
- The parish council as you hopefully have seen in your email of this week, have made additional comments in respect of this application concerning the determination made in the report and drawing attention to the report that has been produced by a consultant in August of this year.
- I would like to issue apologies for the contribution statement on secondary education which should state that the two secondary schools have capacity of 1900 not 1100. I would however like to state that the figures are based on an application for up to 38 dwellings and now the proposal is 35 the figures will be reduced but based on the same formula.
- The church is grade II* listed for the avoidance of doubt.
- Specific queries following site inspections related to the replacement policies for open space and play area requirements. This is now embedded in EN7 of the new local plan. This states that any new development of 10+ dwellings will need to provide open space areas. For this proposal, this will be the form of the play area for The Royal Oak public house.
- Levels were also brought up and I hope you have seen the plans sent by email this week. For ease, the presentation has shown various areas of levels if requested.
- Finally, the apartments will be two storeys in height as I know this was also a query raised.

The proposal before you tonight is an allocated site within the local plan reference GREA1 which as part of the examination was intensely scrutinised by the examiner which laid out various requirements for any development in this area. Within the Inspector's Report there is mention that due to the position and limited extent of the proposal, its visual impact could be minimised by sensitive design including appropriate boundary treatment. Modification of the policy to require that any development would provide more specific protection for the open character of the remainder of the area, and ensure that the design respects the settings of nearby heritage assets, would help to minimise any detrimental impacts. There was recognition that the proposal would be likely to cause limited harm to Great Dalby's designated heritage assets. However on balance, the limited harm that would be caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation.

Despite this acceptance, there has been a series of negotiations to appease the concerns of Historic England who wanted the site to be 'stepped in'/undeveloped at the south west corner which has been achieved, removing three units from the original proposal.

The scheme is assessed as providing roughly the allocated numbers of housing which does compromise houses off roads in attempt to produce a linear scheme for what is a an irregular shape site.

Further finished details will be achieved at the reserved matters stage which has been detailed in the design and access statements with this application.

As an allocated site that has catered for roughly the same numbers as identified as

acceptable by the local plan examiner, the principle of the development has already been established as acceptable. Through a series of revisions the proposal has achieved the desires of Historic England. Even though they still have concerns they contend that the amendments would go some way in reducing the proposals impact and resultant harm to the significance that the church derives from its setting and to the character and appearance of the conservation area. This result in a degree of harm at the lower end of less than substantial harm. In accordance with paragraphs 192, 193, 194 and 196 of the NPPF, it is deduced that the public benefits outweigh this minimal harm caused. There are other benefits resulting from the proposal including contributions for the schools, surgery and play area. It will provide the required affordable housing quotas and improve the bus stops locally. All statutory consultees are in support subject to conditions and as such the proposal is recommended for approval as per the report.

(b) Cllr Johnson, on behalf of Burton & Dalby Parish Council was invited to speak and stated that:

- Great Dalby has an unusual and distinctive form which isn't obvious when driving through the village. It is in fact a 'double village' made up of two distinctive parts, separated by swathes of open land.
- Application site is part of the open area that separates Nether End from Burrough End.
- Green open area is remarked on in the Conservation Area Appraisal, which states that the tract of open land is an important characteristic of the village.
- Independent expert's assessment suggested that the development would cause considerable harm to the significance of Great Dalby's Conservation Area and would be harmful to the setting of the Church.
- Independent expert stated their concerns and issues remained unchanged after reviewing the revised layout.
- Similar application was refused on appeal, the principal reasons being it's adverse impact on character and appearance.
- Latest proposal would neither conserve, let alone enhance the village's designated heritage assets.

A Cllr asked whether the land had ever been used for agricultural purposes then commented on the appearance of the and how it looked unkempt.

Cllr Johnson stated that the condition of a conservation area should not influence the decision to protect it. It was originally part of the land holdings of one of the farms on Nether End and has now been privately owned for 10 years.

A Cllr asked whether there were any particular species of grass or plant on it.

Cllr Johnson stated that she thought there had been a report produced on this.

The Chair queried the date of the application Cllr Johnson made reference to that had been refused on appeal.

Cllr Johnson replied approximately 1991.

A Cllr asked how many houses were proposed on that previous application.

Cllr Johnson stated approximately 20.

(c) Mark Rose, Agent to the Applicant was invited to speak and stated that:

- NPPF requires the delivery of sustainable development to meet the housing needs of rural communities.
- Sustainable development for a rural community. Great Dalby is identified as a rural hub in adopted Local Plan and the site has been allocated for development
- 35 new homes, 14 of which affordable, reflects the needs and is a valuable contribution.
- Included in the 5 year land supply.
- Ensures sustainability, benefitting future communities.
- Substantial S106 contributions proposed to enhance local facilities including playground project.
- Design has positively responded to the comments made in the consultations with officers and other key stakeholders.
- Scheme delivers high quality housing development with a clear sense of place. Well integrated into Great Dalby and is respectful to the countryside.
- Harm to conservation area and listed church is at the lower end of less than substantial.
- Limited harm caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation.
- Reflection of a sensitive approach, is the retention of public landscape open space, the retention of existing hedgerows and trees and enhancement of the public right of way running throughout the site.

A Cllr asked whether this was a protected open space in the previous Local Plan.

The Assistant Director of Strategic Planning and Regulatory Services requested a moment, while he looked into it.

A Cllr acknowledged that the applicant was happy to contribute to a play area but questioned why one had not been included on its own in the plans.

Mr Rose stated that he was aware that the site was near to a play scheme in need of funding, and suggested it'd be better to have one better quality and ensure future maintenance play area, rather than two smaller ones. It was proposed to officers that the S106 can be written in the alternative so if the scheme didn't come forward or the money isn't taken up then it could contribute to another scheme or go towards one on site.

A Cllr stated that it was a requirement of the council to have a play area within the site.

Mr Rose replied that it was his understanding that it is the provision of a play area that meets the need of the development.

A Cllr requested legal advice from the Solicitor to the Council.

The Solicitor to the Council stated that it was a Policy matter.

Cllr Glancy made reference to the bungalow on the plans and questioned whether all other homes would be normal 2 storeys.

Mr Rose replied that that is the plan. The Design & Access statement addendum provided does provide more detail than would normally be the case for an outline application in terms of the scale and appearance of the proposed dwellings to ensure that they reflect the local vernacular architecture

The Chair said that in the interest of thoroughness, 'absolutely no 2.5 or 3 storey dwellings'. He asked if it could be a condition that there are to be no 2.5 or 3 storey dwellings.

Mr Rose replied he was sure that could be the case, it could be conditioned.

The Chair asked if they were planning to put any.

Mr Rose responded no but if reassurance was needed then it could be a condition.

(d) Cllr Simpson, the Ward Cllr was invited to speak and stated that:

- Application would be contrary to the Local Plan.
- When adopting the Local Plan, it was agreed that residential development could only take place on this greenfield site providing that the scheme (1) enclosed the site and (2) conserved and enhanced existing heritage assets including the Conservation Area and the Grade II* Listed Church.
- Historic England advised the proposal would be harmful to the significance of the church derives from its setting and to the character and appearance of the Conservation Area.
- Not enclosing the site would risk further intrusion into the open area and further harm to the Great Dalby Conservation Area.
- It is important that the council observes and applies the modified site specific policy GREA1 when assessing the application.
- Must be mindful of the duties to give special regard to the desirability of preserving or enhancing the setting of listed buildings and to give special attention to preserving and enhancing the Conservation Area.
- Great weight should be given to the finding of 'less than substantial harm' to the Conservation Area and even greater weight should be given to the finding of 'less than substantial harm' to the setting of the church as a Grade II* listed heritage asset.
- Harm to heritage assets outweighs the public benefits of the proposal.

The Chair questioned Cllr Simpson stating that this would be contrary to policy. As this is an allocated site in the Local Plan and asked whether she was suggesting

we had contravened our own policy in producing the plan and an error had been made.

Cllr Simpson suggested that it would be better for The Assistant Director of Strategic Planning and Regulatory Services to explain. The policy for the application is GREA1. It has its own policy that's been included by the inspector because of the potential harm.

The Chair pointed out that this still hadn't been recommended to change or to remove the application.

Cllr Simpson reiterated that she thought it'd be better coming from The Assistant Director of Strategic Planning and Regulatory Services.

The Chair asked the officers were happy to address the issues raised through the course of the presentations.

GBA addressed the Parish Council comments that it is harmful to the area. English Heritage have stated that is not the case and the revisions have amended quite a lot of the issues that were raised in the initial application. He confirmed that the previous application referred to was around 1990. He explained that now is a different time so there are to be different considerations. The examiner now has considered this to be an acceptable site provided that various tick boxes have been achieved. GBA confirmed that this land was not protected in the previous Local Plan and was never a protected open space according to records we have. He went on to quote EN7. He went on to explain in relation to the comments made about enclosure of the site; he believed this had been done to the best way possible given the sites constraints. Any future applications would be assessed on their own merits.

The Assistant Director of Strategic Planning and Regulatory Services stated that the allocation is not contrary to the policy, it is the policy. The inspector made some clear statements which we have repeated in the report about the balance of harm and benefits. He reminded Cllrs they are dealing with an outline application.

He made reference to the words used by the speakers and quoted 'special attention to the desirability and character appearance of the conservation Area and setting of listed buildings' and added that they will be important during debate. It is a standing duty for applications in such a location anyway; a summary has been quoted in the report. It appears also, in the site specific policy GREA1. He stated Cllr Simpson was right in what she said, only if it serves to preserve and enhance the character of the area.

A Cllr stated they had not received clarity about the play area. They expressed how important they felt it was, and could not see the harm in having two, as Great Dalby is quite a big village.

The Assistant Director of Strategic Planning and Regulatory Services explained it required the Cllrs judgement. He said that it was a proposition that they fund the

nearby play area, and they didn't need to be persuaded by it. It could be built into the decision.

The Chair wished to add that we are acutely aware that this site is in a Conservation Area and gives rise to issues regarding the setting of a listed building. He explained that this is why the site visit was so important. It showed the character and appearance of the area and the likely effects. It helped to verify the accuracy of comments and advice given, particularly about viewpoints around the church. He reminded members that for those reason their duties under the planning and conservation areas act are triggered. They must give special consideration to the character of the conservation area and the setting of listed building as reminded in the report. He emphasised that this area is allocated for housing development in the local plan under C1a, specific policy GREA1. The inspector adjudicated the balance between harm and benefits.

A Cllr questioned whether the matters discussed in the letter received from the Parish Council had been dealt with.

The Assistant Director of Strategic Planning and Regulatory Services explained it depended on how members proceeded. The letter reminded us of the duties that come from both law and policy and to give special consideration to the desirability and character appearance of the conservation Area and setting of listed buildings, which is why he mentioned those words previously. They are pre-empting that if this was overlooked or neglected we would be neglecting the law in the process. That's why such attention has been drawn to it.

The solicitor to the council had not seen the letter however he anticipated it discussed the local authority's obligations in relation to the conservation area and the listed building. This has been allocated by this authority having taken those constraints into consideration and that in principal, residential development is acceptable. It seems the right way to apply constraints would be to look at the detail and to question whether the layout respects constraints. If so then fine if not then you may not want to approve the layout. It seems the principle has already been decided.

A Cllr queried whether he was right to think the letter is more relevant to a full application rather than an outline.

The Chair agreed that it did seem to look at detail that would be a reserved matter.

The solicitor to the council stated it seemed it would be open to the authority to say whether it was content with a grant of outline permission but not content to approve particular layout. And that with any approval, members would attach a full conditions requiring details of layout to be approved.

A Cllr asked if members were being asked to approve layout.

The Chair confirmed that they were.

The Assistant Director of Strategic Planning and Regulatory Services added that he thought the letter was seeking to open debate about whether it should have been allocated in the first place.

A Cllr asked whether if this outline was approved, would it come back to committee for reserved matters?

The Assistant Director of Strategic Planning and Regulatory Services explained that it would do only if members instructed or it had to be based upon objections.

A Cllr expressed concerns of flooding and a need for a detailed report.

The Chair read out condition 9 regarding drainage requirements.

A Cllr stated that it exceeded the 5 year land supply and that the balance of housing need is not there. Policies in the NPPF are there to protect Greenfield sites and this was protected. The land is central and important to the village.

The Chair reminded members that the land was not protected previously.

The Development Manager clarified the 1999 local plan did not designate it as a protected open space. The local plan included this number of houses as part of that target, so to undermine the allocation of it is removing the overall underlying numbers without going above that 5 year.

The Assistant Director of Strategic Planning and Regulatory Services explained 5 year land supply is not an upper limit. This is an allocated site in the plan with strings attached and invite you to debate those. Conservation area brings on board a further range of policies which are the one The Chair outlined.

A Cllr stated that land is in the local plan and goes towards land supply. They were mindful of getting it right for existing residents, and keen to have a limit on 2 storey homes. No 2.5 or 3 and wanted to impose a condition to ensure the SW corner remains undeveloped.

A Cllr stated she can't see how this housing would conserve and enhance.

Cllr Posnett agreed and suggested that what's being eluded to is that members may be perhaps voting against our own local plan. This is what we wanted and this is allocated in the local plan. In view of that, with the limitations put on proposed to permit.

Cllr Botterill seconded

The Chair questioned whether it be permitted in line with no changes.

A Cllr wished to have the condition of no more than 2 storey homes, no more than 35 in total, and for the SW corner to remain undeveloped.

Cllr Posnett accepted.

Cllr Botterill agreed.

A Cllr stated that although the principal was established, they were considering this specific development put forward. He did not consider sufficient evidence had been given in analysis in a way which is satisfactory in the report. He referred to page 328 of Local Plan and policy GREA1, and quoted the 4th point.

A Cllr requested a play area be included as a condition.

The Assistant Director of Strategic Planning and Regulatory Services queried whether that be in lieu of the recommendation or as well as.

A Cllr stated the priority should be a play area on the site.

The Chair asked the proposer and seconder if they were happy with that.

A Cllr disagreed, and stated that cannot be expected o a developer.

The Chair requested to go back to policy and whether it stated housing developments of 10 or more are obliged to provide a play area within the proposed development.

The Assistant Director of Strategic Planning and Regulatory Services stated it is dependant on circumstances.

The Chair explained members have the option of whether they'd like to specify it be on site. He asked whether this is what members want.

Cllr Posnett agreed to have the play area on site as long as there is no expectation to pay towards the other one.

Cllr Botterill queried how far the play area was from the site.

The Chair explained it was not far, however it was the other side of the road to the development, therefore could not see how that would be fulfilling the needs of this development. He then went on to express how he thought it was dangerous at such and early opportunity to refuse. This was designated in the local plan and reminded members that it is an outline. Details were not before them so they cannot judge levels of harm, and the principal was developing a site on offered layout. Materials and reserved matters would determine whether it complies with other aspects of policies.

A vote was taken. 5 Members voted to permit the application. 4 Members voted to refuse the application. 1 Member voted to abstain.

Cllr Cumbers, Cllr Holmes, Cllr Baguley wished to have their vote to refuse

recorded.

Application approved.

Determination: The character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities, and as such is considered to accord with the allocation in the Melton Local Plan.

19:13pm Cllr Higgins returned to the meeting.

PL58.2

18/00500/OUT

Applicant: Stroud And Son - George Stroud

Location: Grange Farm House, Harby Lane, Hose

Proposal: Proposed Residential Development for 35 Houses.

(a) The Development Manager (LP) stated that:

Members will recall that the application was deferred at the meeting of 15th November 2018 in order to invite the submission of an amended red line plan, as the 'red line' plan submitted did not accord with the site allocation plan in the Local Plan.

The Parish Council has also made a Section 106 contribution request in relation to play equipment which is to be located in the village park adjacent to the primary school. There has also been additional information submitted in relation to Long Clawson surgery which demonstrates compliance with the CIL Regulations and the request can be legitimately including is a Section 106 agreement.

Following the deferral a revised plan has been submitted. The plan remains as a slight variation from the site allocation due to the current access point being included. It is considered that the additional area could not be developed as it forms an existing access road to Hose Grange.

It is considered that the minimal variation from the site allocation is acceptable and the proposal is recommended for approval subject to conditions and updated section 106 contributions as set out in the report.

(b) Maurice Fairhurst, Agent to the Applicant was invited to speak and stated that:

- Northern boundary was the only concern previously. Since then, amended plans have been submitted.
- Application boundary follows the allocation apart from the access onto Harby Lane.
- Highways would like one entrance for both the farm and housing development.
- All matters reserved apart from access.

A Cllr queried whether the issues relating to access had been advised to Cllrs previously.

Mr Fairhurst confirmed it was, and that the problem was that the northern boundary extended too far. He explained it wasn't on the proposal until Highway suggested that access.

A Cllr asked whether the report had changed since the last meeting.

The Chair confirmed that it remained the same.

A Cllr questioned talk of the s106 in the previous meeting regarding play equipment.

Mr Fairhurst replied the applicant was happy to provide the play area but wasn't sure about whether it'd be equipped as they'd had a request from the Parish Council to contribute to existing play area.

Cllr Rhodes stated that had there not been a defect in the last committee, he would've recommended to permit, and was happy to propose.

Cllr Baguley seconded.

A Cllr questioned whether a play area could be conditioned in line with policy.

The Chair asked Cllr Rhodes if he was happy to include.

Cllr Rhodes disagreed. He reiterated that the Parish Council had requested money for the play area in accordance with what people wanted.

The Assistant Director of Strategic Planning and Regulatory Services stated it was either solution, depending on discretion.

A vote was taken. 9 Members voted to permit. 1 Member voted to abstain.

Application approved.

Determination: The site is allocated for development in the adopted Melton Local Plan. The application is in outline and demonstrates how this allocation can be fulfilled, including the site specific criteria applied by the Plan. No material considerations are present which indicate the decision should depart from the development plan.

PL58.3

18/01162/FUL

Applicant: Mr Henry Llewellyn

Location: Farm Buildings Adjacent Stapleford Cross, Glebe Road, Stapleford, Melton Mowbray

Proposal: Change of use and extension of the existing stable barn into two residential units

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

This is for 2 units on the fringes of Stapleford Hall. A former stable block proposed to be converted. The materials proposed are in accordance with the conversion of outbuildings and is to be commended timber frame windows and any slating will be replaced.

The scheme is considered to be a positive conversion of an additional outbuilding

and as such, outweighs the dis-benefits of development in an unsustainable location.

This is recommended for approval.

Cllr Holmes proposed to permit. Adding it was good for people working in the area, particularly Stapleford Park.

Cllr Higgins seconded.

A Cllr stated that it was a good way of using an existing building and was a good contribution.

A Cllr agreed that it was a good way of conserving a building of that nature.

A vote was taken. It was unanimously decided that the application should be permitted.

Application approved

Determination: In conclusion it is considered that, on the balance of the issues, the benefits of the restoration of a heritage asset is considered to be a material consideration of sufficient weight to justify a departure from Local Plan policy which is normally to strictly control the creation of new dwellings in a rural location.

PL59	Urgent Business None
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The meeting closed at: 7.31 pm

Chair

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Advice on Members' Interests

COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS

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

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

PERSONAL AND NON-PECUNIARY INTERESTS

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

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

PERSONAL AND PECUNIARY INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

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

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

BIAS

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

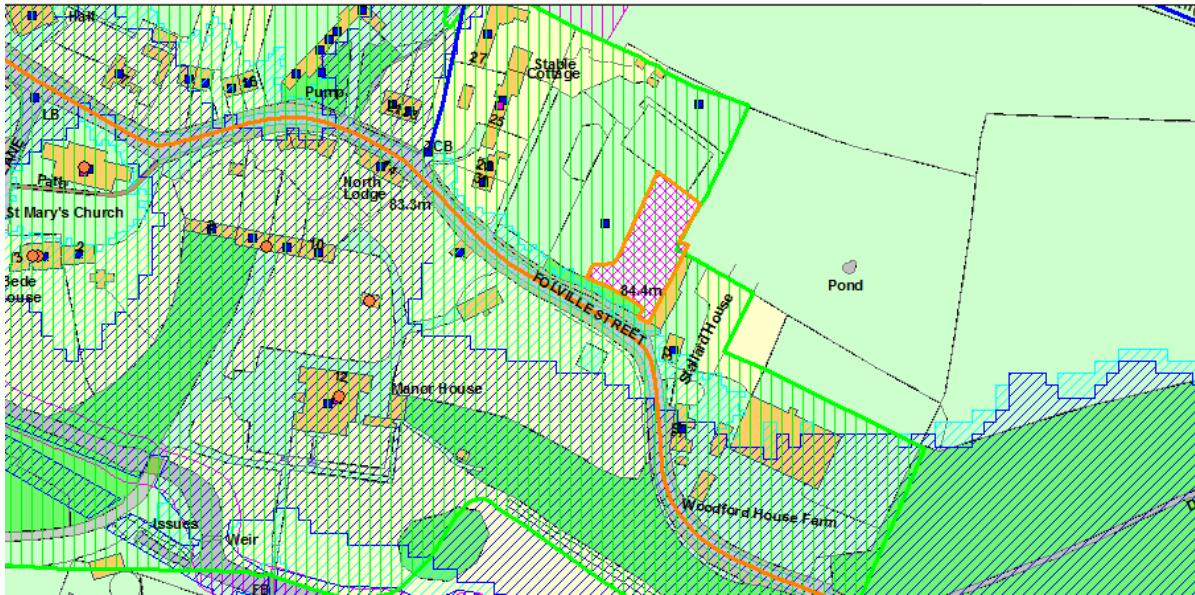
In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

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

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COMMITTEE DATE: 31st January 2019

Reference: 18/01435/FUL
Date Submitted: 23.11.2018
Applicant: GHM Planning Ltd - Mr Joe Mitson
Location: Field OS 8900 Folville Street Ashby Folville
Proposal: Erection of two single storey dwellings



Introduction:-

The application seeks planning permission for the erection of a pair of semi-detached single storey dwellings and associated car parking on land to the South side of Folville Street in Ashby Folville. The application site is located within the Ashby Folville Conservation Area. The land is currently used for equestrian purposes and benefits from an existing agricultural type access onto the highway. The purpose of the application is to provide suitable accommodation of a type unavailable on the open market for long term residents of the village and the family members who care for them.

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 on the Conservation Area
- Drainage/flooding issues
- Highway safety
- Sustainable development

Relevant History:-

18/00802/TCA – 2x Ash trees T1 & T2 – Fell to Ground and grind stumps to prevent regrowth. – Closed: 09/07/2018. (Reason: trees not in conservation area).
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07/00821/FUL – Erection of wooden stable next to existing - Permitted: 24/09/2007

06/00466/COU – Creation of a manege - Permitted: 25/07/2006.
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The application is presented to Committee for determination as a result of the extent of public interest and because the applicant is employed by the Council

Planning Policies:-

Melton Local Plan 2011-2036 (Adopted October 2018)

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

Policy SS2 states 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 states in addition to allocated sites permission will be granted for new residential development in the rural area within or on the edge of existing settlements provided it is in keeping with the scale and character of the host settlement and where certain criteria are met. These include demonstrating a proven local need, respecting the settlement character, being served by sustainable infrastructure, respecting ecology and heritage and providing adequate drainage.

Policy EN6 states development proposals will be supported where they do not harm open areas which, contribute positively to the individual character of a settlement, contribute to the setting of historic built form and features or contribute to the key characteristics and features of conservation areas.

Policy EN11 seeks to ensure development proposals do not increase flood risk and will seek to reduce flood risk to others.

Policy EN13 states the Council will take a positive approach to the conservation of heritage assets and the wider historic environment.

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.

National Planning Policy Framework (NPPF) 2018

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 renders the policies applicable to this application ‘out of date’.

Listed Buildings and Conservation Area Act 1990

The Committee is reminded of the duty of the Council to give special attention to the desirability of preserving or enhancing Listed Buildings, under Sections 16 and 66 and Conservation Areas, under Section 72 of the Act.

Consultations

Consultation Reply	Assessment of Assistant Director of Planning and Regulatory Services
<p>LCC Highways</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.</p>	<p>This has been fully considered and as a result of the advice:</p> <ul style="list-style-type: none"> • Two parking spaces for each dwelling have been provided in line with the standards for two and three bedroom properties • 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>Parish Council</p> <p>a) The proposed dwellings, which are situated within the conservation area of Ashby Folville, are not in keeping with other properties in the village. The buildings and materials are inappropriate for the surrounding area.</p> <p>b) The nature of Ashby Folville means that it has many sharp bends and turns in the carriageway. The proposed entrance would be situated on one of the sharp bends, thus making visibility limited and safety a concern when entering and exiting the properties.</p> <p>c) The application states that the site is not at risk of flooding. However, there has been flooding in</p>	<p>It is considered that the design proposed development adopts a form that would have minimal impact on the Conservation Area and reflect the rural character of the area. The materials would integrate well with the surrounding area.</p> <p>While it is recognised that the access is sub optimal, it is an existing access, and the deficiencies are not considered severe such as to justify the refusal of planning consent on Highways grounds.</p> <p>The application site is Located within Flood Zone 1 and in planning terms cannot therefore</p>

<p>Ashby Folville in the past.</p> <p>d) We do feel that there is a requirement for bungalows and relatively lower cost housing in the area.</p>	<p>considered to be at risk of flooding. No information has been provided to suggest it is vulnerable to flooding from other sources.</p> <p>The Parish Councils recognition that lower cost housing is in short supply is noted. Considerable weight has been given to this shortfall when assessing the application against Policy SS3 (see below).</p>
<p>Melton B.C Conservation Officer -Response awaited</p>	<p>Comments of the Conservation Officer will be provided verbally at the committee meeting.</p>

Representations:-

The application was advertised by means of an advert in the Melton Times dated: 13.12.2018, a site notice and letters were sent out to a number of neighbouring properties. Objections were received from 4 separate households, whilst eight letters of support for the application from local residents were submitted as part of the application. Comments received in these representations have been detailed and addressed below.

Consideration	Assessment of Assistant Director of Planning and Regulatory Services
<p>Objections</p> <p>1) The proposed development is too close to our property and will result in continuous disruption. The proposed location of the dwellings and nearby car parking will be highly intrusive in every possible way.</p> <p>2) The proximity of the proposed development along with the scale of it, will also cause significant new noise disturbances, which will be in stark contrast to the current quality of life in the area and the property we now live in.</p> <p>3) Disruption. The construction of these dwellings will create a prolonged and unnecessary disruption to our standard of living because of construction vehicle related traffic at all times of day.</p> <p>4) Vehicle access and visibility. The site access to the property is not suitable for regular residential traffic. At the moment, the entrance/exit to the property adjacent to us is used very infrequently and only for farm vehicles. We would be very concerned for our safety and security if this were to become a</p>	<p>The proposed development is modest in scale and set well in from the boundary and would not have an unacceptably adverse impact on the amenity of neighbouring residents. The car parking is positioned well clear of neighbouring properties.</p> <p>It is not considered that the proposed development would not result in a level of noise that would adversely impact on the amenity of neighbouring residents to a degree that would justify refusal.</p> <p>While construction related disruption and nuisance is regrettable, it is not a planning matter and therefore cannot be considered when judging the acceptability of the scheme.</p> <p>While it is recognised that the access is sub optimal, and the proposal would intensify its use. However it is an existing access, and the deficiencies are not considered severe enough to justify refusal of planning consent on highways grounds.</p>

<p>more regular entrance to a set of residential dwellings as it would compromise the safety of our own entrance/exit and also we do not believe that the road would be suitable for an increased amount of general residential traffic.</p> <p>5) Eyesore. We do not believe that the proposed dwellings are in keeping with the design and style of the Ashby Folville area – an area of natural beauty and justified conservation.</p> <p>6) Ashby Folville is an historic conservation village in an area of outstanding natural beauty in the heart of Leicestershire famed for its unspoilt nature and character properties. There are few villages the county can be proud to have protected to this standard, and the character of the village should be preserved at all costs including not allowing any other residential developments within the boundaries of the current village. The village has for good reason historically been protected by covenants to prevent building and infill within the village limits. If any development should occur, it should be outside the current village boundaries and not infill within. There is widespread consensus on this as conveyed during local parish meetings on the same, minutes of which are available to support our objections.</p> <p>7) The village is of a linear type on a very narrow road and access to the proposed site is on a very sharp bend and will almost certainly present a safety risk to both car users, cyclists and pedestrians alike. The council has an obligation to recognise this risk and prevent it accruing further.</p> <p>8) The site around the proposed application also has an abundance of wildlife and any construction is highly likely to result negatively on the wildlife population. In addition, Ashby Folville has in the past been affected by flood risk, and recent surveys also recognise the risk remains. It is our view that any additional building may well further increase the flood risk and impact the water table.</p> <p>9) The planning review needs to recognise that</p>	<p>The proposed dwellings are modest in scale, reflect the rural vernacular and are considered to integrate well with their surroundings and are considered acceptable with regards to Policies. D1 and H13.</p> <p>Local and National Planning policy seeks to direct development towards the existing towns and villages. With a considerable quantity of the Boroughs Housing need expected to be met by windfall sites such as this. Restricted covenants are not a planning matter and cannot be given any weight when assessing the suitability of the proposed development.</p> <p>While it is recognised that the access is not ideal, any deficiencies are not considered severe enough to Justify the refusal of planning consent on this occasion.</p> <p>It is not considered that the proposed development would have any significant adverse ecological impacts and the site is located within Flood Zone 1 and is not therefore considered to be at risk of flooding.</p>
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<p>the character of the village will be materially and adversely affected with any construction of new properties where neighbouring properties are substantially older character dwellings where there should be a duty of care to existing residents to protect the local look and feel of the village. It is also very likely that the construction of new dwellings will both negatively impact the environment for existing residents including the loss of open aspects and loss of privacy as well as reducing surrounding property valuations. Existing residents have lived in and been attracted to Ashby Folville based upon the unspoilt nature and no planning approvals should be endorsed that in any way either impact the village and their community, or indeed negatively impact the existing properties and residents in the area. The council has a duty of care to protect the interests of existing inhabitants.</p> <p>8) Furthermore there are no facilities in the village to support additional residential dwellings and the addition of two single storey dwellings in Ashby Folville will in no way solve or contribute to any perceived shortage of accommodation in Leicestershire. In fact the application appears to be motivated by personal gain of the applicant and is unlikely to provide a residential solution to any new inhabitants in the medium term. The council should be focused on regenerating brown field sites and preserve the natural green field environment of Ashby Folville.</p> <p>9) We consider that the siting of the proposed development on a previously undeveloped site is inappropriate and would create an ‘ad hoc’ development within the village and may therefore set a precedent. The vernacular style in Ashby Folville and the quality of the architecture must be protected from any ad hoc or inappropriate development.</p> <p>10) The access into the site is situated in a poor location and we do not consider there to be suitable visibility for ingress and egress from the proposed site. The access is currently used for</p>	<p>While it is recognised that any development will materially impact on its surroundings, the proposed development would not have a significant detrimental impact on the character of the area or on the amenity of the existing residents of Ashby Folville.</p> <p>While it is recognised that facilities in the village are limited it is not considered that the addition of two modest additional dwellings to the villages housing stock would have any adverse impact on service provision. Indeed the increase may render services more viable. The application has been promoted on the basis of local need in line with Policy SS3, and It is considered that the application site is equestrian land and thus previously developed. Furthermore it is considered that the proposed dwellings would remain suitable for use far beyond the current plan period.</p> <p>The application site is previously developed land and the proposed development is modest in scale and respects the local vernacular. The appropriateness or otherwise of Ashby Folville for the development is assessed below against the provisions of the Melton Plan 2011-2036.</p> <p>While it is recognised that the access is not ideal, any deficiencies are not considered severe enough to Justify the refusal of planning consent on this occasion.</p>
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<p>agricultural purposes; however this would be intensified if two dwellings were given planning consent. Consideration must be given to the suitability of the road junction for an intensified volume of vehicle movements.</p> <p>11) The application has been submitted on the basis of a local need. Whilst it is accepted that the applicants have made a positive contribution to the locality, we would encourage the local planning authority to consider the availability of the other suitable housing in the district prior to granting planning consent.</p> <p>12) The site which the applicant is proposing to develop is subject to a restrictive covenant prohibiting residential development. In the design and access statement (at paragraph 6.1) the applicants claim that the two dwellings that they propose will help towards the requirement for 6125 new homes that the council require across the Borough; however the target housing numbers will not be bolstered if the houses cannot be legally constructed due to the presence of a restricted covenant. Whilst we are aware of the fundamental point that the presence of a restrictive covenant is not a material planning consideration, we believe that it does become relevant when it poses a risk to the deliverability of the dwellings and the argument that dwellings will assist the local planning authority in meeting target housing numbers. If the local planning authority require further information on the restrictive covenant this can be provided upon request.</p> <p>13) Ashby Folville is in a conservation area and the proposed dwellings will not be in keeping with the existing properties in the village. It could also mean that if permission is approved, then the site could in future be further developed, which would be a real disaster for the village.</p> <p>There are already newly built properties here, which are, in my view, an eyesore and spoil the character of the village. More such properties will further ruin the village's historic and rural character, especially as they are right in the heart of Ashby Folville. There is a sharp bend too, where the exit and entrance to the proposed</p>	<p>The application proposes the creation of otherwise unavailable accommodation for the applicants and their carers. The applicants have a life long connection to the village itself and wish to remain living within the village. While suitable accommodation may be available elsewhere in the district it is not available within Ashby Folville. Policy SS3 allows for the provision for specific local need within specific locations rather than, and as both an exception from and addition to, the more generalised housing delivery provided for by the boroughs spatial strategy.</p> <p>Restrictive covenants are not a planning matter and their presence therefore cannot be given any weight in determining a planning application. If permission is granted, it does not remove any restricted covenants and such issues need to be addressed additionally to the planning application.</p> <p>Section 72(i) of Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, states that “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of The Town and Country Planning Acts special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.</p> <p>The proposed dwellings would be modest in scale, and would reflect the rural vernacular and would be constructed from traditional materials that would reflect the agricultural form of the buildings,</p>
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<p>new properties would be, giving concern for safety regarding vehicular access.</p> <p>While I understand the need for low cost housing in Leicestershire, I don't think two dwellings in the centre of Ashby Folville will significantly impact upon that problem.</p> <p>Please recognise the damage these new builds would have especially to the open views we enjoy and the probable devaluation to our own properties.</p>	<p>the dwellings would feature conservation rooflights that would minimise the domestic appearance of the structures and it is considered that the design would integrate well with its surroundings and would preserve and enhance the character and appearance of the conservation area. With regards to the above the proposal is considered acceptable with regard to the Council's policies on design and heritage conservation, and would comply with the provisions of the Planning (listed Buildings and Conservation Area Act) 1990 as amended. It is not considered that an approval of the current application would open the site up for further development, with the exception of the dwellings permitted development rights which it would not be reasonable to remove. The highways access is not considered sufficiently poor to justify the refusal of planning consent. While the impact of a proposed development on property values is speculative and in any case not a planning matter and cannot therefore form part of the consideration of the application.</p>
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<p>Supporting Statements</p> <p>We wish to offer our support for the reasons outlined below. Ashby Folville is a pleasant village and there is always demand for housing. Mrs Carduss grew up in the village, and as its longest surviving resident both she and her husband would both like to remain, here in the countryside. It makes perfect sense that going into their twilight years they should prefer single floor living accommodation, and to have their daughter within calling distance would be of great peace of mind for them both. There are no access/egress problems with the site, and no disruption to the neighbours. We know the site well, and we see no justifiable reason why this application should not be granted.</p>	<p>Noted.</p>
<p>I give my support for the planning and building</p>	<p>Noted</p>
<p>We are very much in support of this development. Having been such a pillar of the community for so many decades, it would be a huge loss if the family were forced to move away. We think the plans are in-keeping with the local area and look forward to seeing them</p>	<p>Noted</p>
<p>We wish to offer our support for the reasons outlined below. Ashby Folville is a pleasant</p>	<p>Noted</p>

<p>village and there is always demand for housing. Mrs Carduss grew up in the village, and as its longest surviving resident both she and her husband Peter would both like to remain, here in the countryside. It makes perfect sense that going into their twilight years they should prefer single floor living accommodation, and to have their daughter within calling distance would be of great peace of mind for them both. These homes are for their own private use, and not for the rental market. There are as far as I can see no access/egress problems with the site, and no disruption to neighbours. I live and farm adjacent to the proposed dwelling site and have no objection whatsoever.</p>	
<p>We would like to add our support to this development. This application is not from a here today and gone tomorrow money making developer. The Cadus family have lived in this village for many many years and I am sure the development would be tastefully done. They have used the site for over 40 years keeping livestock there. In these days of rising crime it makes sense for them to live on the site and also makes it much easier to manage the animals welfare. We are sure this would tidy up the site and enhance the village.</p>	Noted
<p>I give my support for the above planning</p>	Noted
<p>We hereby support the local need development for Mr and Mrs P Carduss and their family, Mrs Carduss has been resident here for many years and should be able to spend their remaining years in the village.</p>	Noted
<p>We wish to tender our support to the Carduss family, who wish to build a bungalow on their own land for family occupancy. There is a real shortage of affordable family homes in the village and no houses suitable for older people who may find stairs difficult, or require help from family members. The family has a long and respected association with the village and are active members of our community. It seems only right that they should be able to spend their remaining years in the village that they have lived and worked in all their lives. The site in question is ideal for this type of property, and we can see no reason why the applicants should not be able to build there.</p>	Noted

Other Material Consideration	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Application of planning policy</p> <p>Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and advises that proposals which accords with an up to date development plan should be approved without delay.</p> <p>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 NPPF is a material consideration of some significance.</p> <p>The Adopted Local plan (October 2018) is considered to be up to date and the application is in accordance with the content of the NPPF and therefore the NPPF does not ‘weigh against’ the provisions of the Local pan (so far as applicable to this application).</p> <p>5 year land supply issues: The Council’s most recent analysis shows that there is the provision of a 5 year land supply and as such the relevant housing policies are applicable. Therefore this consideration does not weigh against the Development Plan as ‘out of date’ on this basis either.</p>
<p>Melton Local Plan</p> <p>The Melton Plan of 2011-2036 is now the development plan for the area in which all planning applications <i>must</i> be taken against.</p> <p>Policy SS3 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. In addition to those sites allocated through the local plan, planning permission will be granted for new residential development in the rural area within or on the edge of existing settlements, provided it is in keeping with the scale and character of the host settlement and where:</p> <ol style="list-style-type: none"> 1. The development provides housing which meets a proven local need as identified by substantive evidence, for example within in a Neighbourhood Plan or appropriate community-led strategy, or a housing assessment or other evidence provided by the applicant; and 2. The development respects the Borough’s landscape and settlement character such that it conforms with policies EN1, EN4 and EN6; and 	<p>The Local Plan is now adopted and now is part of decision making for the purposes of determination.</p> <p>The principle of development in this case is further supported by Policy SS3 to allow a family to downsize to a single storey dwelling and to retain a degree of independence while being cared for by family members. The applicants wish to retain their connection to Ashby Folville and no suitable dwellings are available on the open market. This is considered to be a ‘proven need’ which is not met elsewhere by other policies in the Plan, of the type that SS3 accommodates.</p> <p>The details of design, access and layout are addressed above and it is considered that the details of the application accords with the criteria applicable to Policy SS3.</p>

that (where relevant), the design conforms with Policy D1 and applicable environmental policies in any relevant Neighbourhood Plan; and

3. The development will be served by sustainable infrastructure and or provide new infrastructure or services to the wider benefit of the settlement; and

4. The development respects ecological, heritage and biodiversity features and where appropriate provides mitigation to prevent any potential harm; and

5. Where possible the development does not result in the loss of best and most versatile agricultural land; and

6. The development can be adequately drained and would does not increase the risk of flooding, in accordance with Policy EN11.

Neighbourhood Plan

Gaddesby PC are a qualifying body with an intention to develop a Neighbourhood Plan.

However no Neighbourhood Plan has been published and as such cannot be a consideration in this instance.

Neighbourhood Plan

NPPF paragraph 48 states that:

Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The NP has yet to be published or begin its process of consultation, submission, examination and referendum etc and accordingly can be given minimal weight at this stage of its development.

Conclusion:-

The application seeks planning consent for two modest and sensitively designed semi-detached bungalows to meet the housing needs of elderly long term residents of Ashby Folville who wish to downsize to a single storey dwelling and to retain a degree of independence while being cared for by family members. The applicants wish to retain their connection to Ashby Folville and no suitable dwellings are available on the open market. The application site is considered to represent a windfall site within the village of Ashby Follville. **The principle of development in this case is considered to be supported by Policy SS3**

The site is served by an existing vehicular access that is not ideally positioned, and the proposed development would intensify its use. However it is not considered that the use of the existing access to serve the proposed dwellings who have a sufficient impact on highway safety to justify the refusal of planning consent, subject to the imposition of Condition no. 4 below.

Having regard to the design, the proposed dwellings would be modest in scale, and unobtrusively sited within the plot and constructed from a palette of traditional materials that would allow the proposal to integrate well with its surroundings. It is noted that adequate car parking would be provided. Having regard to the above no objections are raised with regard to policy D1, and the design is considered acceptable. Due to the proposed dwellings modest scale, and their siting within the plot combined with the use of suitable materials, it is not considered that the proposed development would adversely impact on the character of Ashby Follville to an extent that objections could be sustained with regard to Policy EN6.

The application site is located within Flood Zone 1 and is not therefore considered to be at risk of flooding, nor would the proposed development result in any significant increase in surface water run off or adversely impact on the water table, therefore no objections are raised with regard to the provisions of Policy EN11.

The application site is located with the Ashby Follville Conservation Area and is situated in the proximity of 5. No listed buildings. Due to the proposed developments sensitive design, unobtrusive siting and modest scale, It is not considered that the proposed development would have a significantly adverse impact on the Ashby Follville Conservation Area and would not have any adverse impacts on the adjacent Heritage Assets, therefore no objections are raised with regard to the provisions of Policy EN13.

The application would not conflict with the provisions of policies EN1, EN4, EN6 or EN11 and would not result in ecological harm or in the loss of high quality farm land, the proposed development is therefore considered to accord with the provisions of Policy SS3 and the proposed development is considered to be acceptable.

Having regard to the above it is considered that the proposed development complies with the provisions of the NPPF and the Melton Plan 2011-2036. No material considerations are present to justify a decision that would depart form the Local Plan and it is recommended that planning consent be granted on this occasion.

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 the Design and Access Statement, Heritage statement and drawings numbered: 18.3564, 18.3564.05, 18.3564.06, 18.3564.07, and 18.3564.08, received by the Local Planning Authority on 23rd of November 2018.
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. The development shall be carried out in strict accordance with the approved details
4. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such

obstructions shall be erected within a distance of 5 metres of the highway boundary without the prior written consent of the local Planning authority.

5. 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.
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, 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 the development is of the satisfactory appearance as stipulated within the application.
4. 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).
5. 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.
6. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

Officer to contact: John Cosgrove
Date: 23 January 2019

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PLANNING COMMITTEE

31st January 2019

REPORT OF THE DEVELOPMENT MANAGER

17/00641/OUT: FIELDS 8456 7946 AND 9744 NORMANTON LANE BOTTESFORD

REQUEST TO VARY S106 AGREEMENT

1. Introduction

1.1 The purpose of this report is to consider amendments to the s106 agreement associated with this application that have been requested by the applicant.

1.2 The purpose of this report is to invite the Committee to consider the applicant's request to vary the s 106 currently in place to:

- (i) Operate the car park with a minimum charge to users of £1 to park for the day** (previously no charge was intended).
- (ii) To require provision of a New Railway Car Park upon occupation of the final dwelling** (previously the 50th)

2. Background

2.1 Members will recall that the planning application was considered at the meeting of 28th September 2017 and was approved, subject to the completion of a S106 Agreement to provide a new Railway Car Park and various conditions.

2.2 The new Railway Car Park is described as thirty bays (30) of car parking to be provided within the site.

3. Update

3.1 A new Railway Car Park with 30 bays is to be provided on site but for health and safety reasons it is requested that the new car park is not constructed and open to the public until after the development is completed rather than by Occupation of the 50th Dwelling.

3.2 It is therefore requested to be amended to read as follows *“Not to occupy or permit Occupation of the final dwelling until a New Railway Car Park has been constructed*

and is open to the public as a railway station car park and the signage approved or deemed approved by the Borough Council Pursuant to clause 5.7.2”.

- 3.4 It has been confirmed that at the outline stage the applicant included the proposal for the car park to be free of charge and that this was not a requirement of the Council, Network Rail or any other consultee.
- 3.6 It has been requested to operate the car park with a minimum charge to users for example £1 to park for the day, this would enable a barrier to be in place and to aid other security features such as cameras.
- 3.7 Clause 5.7.4 is therefore requested to be amended to read as follows *“From the date that the New Railway Car Park is opened to the public to keep the New Railway Car Park open for use by fee paying public (subject to health and safety considerations).*

4. Representations

- 4.1 Representations have been received from the Bottesford Neighbourhood plan Steering Group as follows:
- The car park should be complete at the same time as the 55th house on the development and NOT, as in the proposed Deed of Variation, on completion of the 88th house. We have real concerns that the car park in the Outline Plans, and a clear planning gain, will not be adequately completed in a way that befits a potential visitors' entrance to the village,
 - If there are concerns over security the car park can be cordoned off until such time as the site is complete or the security problem is no longer an issue, whichever is the sooner.
 - There is also the proposal to install a gate and charge for the use of the car park. This is also unacceptable, the car park was to be free to use, and charges may limit its use when the existing station car park and on-street parking near the station are free. Additionally now that they are proposing the agricultural access to be via the main street, rather than to the north of the development, this will result in tractors, trailers and other farm plant having to go through the car park with the added obstruction of a gate (and a charge?)
 - The Parish Council (PC) does not have the resources to manage the barrier and collection of fees etc.
 - We further understand that Miller Homes are looking to use Section 106 monies for this work. We feel this is completely inappropriate as it does not fit in with the requirements for S106 funding since the car park is not made necessary as a result of this development. We always understood that this was an obligation on the buyer of the site and are checking this is the case with Messrs Goodson.
- 4.2 Two representations were received during the consideration of the Reserved Matters application 18/00874/REM which stated the following

4.3 A major plus for the site was the provision of free extra parking for the station. There must be no agreement to the Deeds of Variation which

(a) do not require the car park to be completed until all 88 houses have been built (first 55 was the original agreement), and

(b) change the car park from free to use to a gated area with payment. This will drive parkers to use the housing estate roads for parking. Given how frequently developers renege on their planning agreements there is a worry that if the car park is not built until after all the houses have been built it will suddenly be declared 'unviable'.

4.4 With free parking available at the Station Road entrance to the station, nobody would be prepared to pay at Normanton Road. Instead, they would park on the through road which will become littered with cars.

5. Assessment

5.1 Whilst noting the change of trigger point, the proposal does not remove the car park, the provision of parking would still be provided, however as put forward by the applicant, this would be at a time when building works to the dwellings would be complete and it would not be necessary for members of the public to access and drive through an active building site.

5.2 The charging of the car park has been requested due to the need to provide additional security to the car park, the charging would be used for security measures and a £1 per day charge would not be considered unreasonable to ensure adequate measures to be provided. There is no evidence to suggest that this charge would make the car park unviable, indeed the provision of security for cars could be considered as a benefit to the users of the car park however this argument is finely balanced.

5.3 The ongoing management and maintenance of the car park is not a planning consideration and would be the responsibility of the land owner until a sale/transfer is made.

6. Recommendations

6.1 **It is recommended that a Deed of Variation is granted to allow the amendment to the trigger of the New Railway Car Park and to allow a fee to be charged for the service.**

Background documents:

- Report to the meeting of Planning Committee 28th September 2017
- Minutes of the meeting of 28th September 2017

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PLANNING COMMITTEE

31st January 2019

REPORT OF DEVELOPMENT MANAGER

DEVELOPMENT CONTROL PERFORMANCE: 2018/19 QUARTER 3

1. PURPOSE OF THE REPORT

- 1.1 To advise the Committee, of current national Performance Indicator outcomes related to the determination of planning applications for Q3 (October to December 2018).

2. RECOMMENDATION

- 2.1 The Committee notes the current performance data.

3. DEVELOPMENT CONTROL PERFORMANCE

3.1 GROWTH AND INFRASTRUCTURE ACT

- 3.1.1 The Growth and Infrastructure Act 2013 put in place Performance Standards, known as the 'Planning Guarantee'. This was updated in November 2018 with a new set of performance criteria as follows:

Planning Applications:

Table 1 – Designation thresholds and assessment period overview

Measure and type of Application	Threshold and assessment period October 2016 to September 2018	Threshold and assessment period October 2017 to September 2019	Live Table
Speed of major Development (District and County)	60%	60%	District – P151a County – P151b
Speed of non-major Development	70%	70%	P153

Appeals:

Measure and type of Application	Threshold and assessment period April 2016 to March 2018	Threshold and assessment period April 2017 to March 2019	Live Table
Quality of major development (District and County)	10%	10%	District – P152a County – P152b
Quality of non-major Development	10%	10%	P154

3.2 MEASURES OF PERFORMANCE OUTCOMES AND CURRENT POSITION

3.2.1 SPEED OF DECISIONS

The table below shows the Council's recent and current performance on speed of decisions. It includes historical data for ease of comparison

Indicator	2016-17 Q3	2016-17 Q4	2017-18 Q1	2017-18 Q2	2017-18 Q3	2017-18 Q4	2018-19 Q1	2018-19 Q2	2018-19 Q3	2018/19 to date
% 'major' applications determined in 13 wks, or within agreed period.	87.5%	100%	100%	75%	93.33%	88.9%	93.33%	91%	100%	94.76%
% 'minor' applications determined in 8 wks, or within agreed period.	55%	75%	80%	80.4%	85.5%	85.3%	85.5%	82%	87.4%	85%

3.2.2 Planning application performance for quarter 3 shows an increase in performance in both major and minor applications and again takes the Authority well above the national target of 60% for Majors and 70% for Minors with the authority continuing to be well above average.

3.3 QUALITY OF DECISIONS

3.3.1 The outcome of appeals is regarded as a principal measure of decision making quality, being the means by which decisions are individually scrutinised and reviewed.

Indicator	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/19 Q1	2018/19 Q2	2018/19 Q3	2018/19 to date
%age of appeals against refused applications dismissed	47%	76%	58.82%	72.22%	50%	50%	57%	52%

3.3.2 Appeal performance for Quarter 3 has increased slightly from the overall period of 2017/2018, it is hoped that performance will continue to improve throughout the year and subsequent reports will monitor this performance. Overall performance has averaged at 52% of decisions upheld at appeal over the 2018/19 period until now, the threshold for designation is 10% so again performance has been consistently above target.

3.3.3 Following the adoption of the Melton Local Plan in October 2018 it is considered that decision making should be more defined and therefore appeal decisions becoming stable in accordance with the plan thereby assisting performance.

3.4. Appeals by decision background

The table below indicates the Council's appeal record for quarter 1, with key information associated with a selection of the appeals detailed in Appendix 1 below.

Decision type	No. of appeals dismissed	No. of appeals allowed
Delegated	2	3
Committee, in accordance with recommendation	1	0
Committee, departure from recommendation	1	0

3.5 DEVELOPMENT OF THE SERVICE

3.5.1 A Planning Review Scoping Document was presented to the Senior Management Team on 7th August 2018. This document sets out a process by which a fundamental review of Planning Services will be carried out with a view to establishing the scope and nature of the services going forward. Members will have been invited to be involved in the review and the process is still ongoing, results of the Review will be presented to the Committee once they have been received.

4. SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

- 4.1 This report has shown that in quarter three standards of performance for majors have once again increased and are well above average, there has also continued to be a consistent approach to minor applications showing an increase, it is hoped that this performance continues through to the final quarter of 2018/2019.
- 4.2 Members will be aware that additional resources were allocated to the service area in Jan 2018 (to take effect in the financial year 2018/19). These were for the express purpose of improving Development Control Performance and a package of measures was delivered to achieve this. A key component of this was increased staff resources and appointment to these posts (3 no.) is still underway. It is anticipated that these provisions will assist to maintain and improve upon current levels of performance once persons have been recruited.
- 4.2 Our appeal record for the third quarter of the year has improved. The majority of recent appeal decisions remain to be considered against old Planning Policy due to the time appeals are taking at the Planning Inspectorate, however it is encouraging that Inspectors are supporting the New Local Plan when issuing decisions.

Appendix 1: Review of appeal decisions for Quarter 3 2018/2019 decisions

Proposal: 16/00793 Outline application for residential development (up to 45 dwellings) – Field No OS 1100, Bescaby Lane, Waltham On The Wolds.

Level of decision: Committee

Reasons for refusal: The proposed development would be contrary to the emerging Melton Local Plan (policies SS3 and C1) and Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (policies S1, H1, ENV 11 and ENV 12) and would result in the loss of an identified heritage asset in the form 'ridge and furrow' features and create a severe impact on highways conditions on High St., Waltham arising from the quantity of traffic generated and the route it would follow. These impacts would significantly and demonstrably outweigh the benefits arising from the proposals.

Appeal withdrawn by applicant

Notification was received from the agent stating “Due to the formal adoption of the Melton Local Plan on the 10th October, on behalf of the Appellants we wish to withdraw the appeal.”

Proposal: 17/00836/FUL Proposed Relocation of Hop Inn Rabbit Hotel and erection of storage buildings– Field 8636, Eastwell road, Waltham

Level of decision: Committee

Reasons for refusal: In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a residential dwelling in an unsustainable location. The development is in an unsustainable village location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on

the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Paragraph 17 of the NPPF.

Inspector's conclusions: Dismissed – The inspector considered that the main issue was whether, having regard to national and local planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work.

Some discussion took place at the hearing as to what weight, if any, ought to be attached to Annexe A to Planning Policy Statement 7 (PPS 7) given that PPS7 was replaced in 2012 by the previous Framework. Whilst it has been referred to by both parties, given that Policy D3 of the ELP sets out criteria to be used to assess agricultural and other rural workers dwellings and having regard to the advanced stage of the ELP, the inspector did not consider that regards should be had to the criteria within Annexe A of PPS7 when assessing the proposal.

Whilst the inspector accepted that some aspects of the proposal would require a countryside location, she did not consider that it had been adequately demonstrated that this was the case with the boarding business. Though it appeared that the appellants had unsuccessfully undertaken a search for other suitable properties, there was no substantive or compelling evidence to suggest that the business could not be re-located to a site either within or on the edge of a settlement.

The inspector concluded that the proposal is not for a rural business or rural employment proposal. It does not therefore comply with paragraphs 83 and 84 of the Framework or policies SS2 and EC2 of the Local Plan which support such businesses in countryside locations. The proposed dwelling would not be for a rural worker and none of the other circumstances set out in paragraph 79 of the Framework apply. The proposal is therefore also contrary to Policy D3 of the ELP and paragraph 79 of the Framework.

Proposal: 17/00982/OUT Demolition of existing dwelling house and garage. Replacement development of residential units to include four dwelling houses (C3 use) (amended proposal for four dwellings not five as previously submitted. – Sunny Cottage, 2 Pinfold Lane, Bottesford, NG13 0AR.

Level of decision: Committee

Reasons for refusal:

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

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

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

Inspector's conclusions: Dismissed – The main issues in this case were whether the development would be in a suitable location with respect to matters of flood risk; the effect on the character and appearance of the area, and; the effect on highway and pedestrian safety.

Flood Risk

Policy EN11 of the LP, seeks to ensure that development proposals do not increase flood risk and in doing so, it indicates a sequential approach to flood risk management with the aim of locating development on land with the lowest risk of flooding (Flood Zone 1) and outside of surface water flood risk). The policy is consistent with the sequential test in the Framework, which seeks to steer new development to areas with the lowest risk of flooding and that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

The area of search relating to the sequential test in the FRA considers only Bottesford, which is unnecessarily restrictive when taking account of Policies EN11 and SS2 of the LP. The FRA does not include specific details of any sites considered or discounted as part of the search. Such an approach fails to demonstrate consideration of the availability of other sites at a lower risk of flooding, in circumstances where the recently adopted LP indicates that there is sufficient capacity in allocations to meet residual needs in Bottesford. In addition, there was no evidence before the inspector which would suggest that the windfall allowance identified in the LP could not otherwise be met by land within Flood Zone 1 in Melton and its Rural Area.

The inspector concluded the development would not be consistent with policies relating to flood risk. The proposal conflicts with Policy EN11 of the LP and the Framework in terms of their approach to managing flood risk, due to the failure to meet the requirements of the sequential test.

Character and appearance

The proposed access, appearance, landscaping, layout and scale are reserved matters and therefore, the details in the submitted plans in those respects are illustrative. Nonetheless, the inspector was satisfied that demolition of the existing buildings and replacement with up to four dwellings within the site could achieve a suitable design which would assimilate with the diverse mix and variety of type, style, form and spacing of dwellings, in the surrounding area.

The inspector concluded that the development subject to the approval of details of reserved matters would not harm the character and appearance of the area. The proposal, therefore, would not conflict with policy D1 of the LP which, amongst other things, seeks that all new developments should be of a high quality design,

that the siting and layout must be sympathetic to the character of the area and that development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design.

Highway and Pedestrian Safety

Policy D1 of the LP also requires that development proposals include appropriate safe connection to the existing highway network and make adequate provision for car parking. The Highway Authority was satisfied that the additional traffic arising from the development could be accommodated on Pinfold Lane and the surrounding highway network without a severe impact.

The Inspector noted on-street parking in close proximity to existing driveways is a common feature on Pinfold Lane where parking restrictions are absent. However, use of the pedestrian footway between the site and the carriageway would allow vehicles in forward gear to obtain adequate visibility, beyond parked cars etc and there was no evidence of accidents between vehicles or pedestrians having occurred as a result.

The inspector was satisfied that an appropriately located access to the site on Pinfold Lane, as part of full details in a subsequent reserved matters submission, would be capable of providing a safe and acceptable highway solution for the limited increase in traffic and parking demand that would arise from three additional dwellings. In that regard, the proposal would not result in a significant increase in demand for on-street parking or an increased risk of accidents for vehicles or pedestrians on the surrounding highway network.

Proposal: 17/01263/FUL New build detached 3 bedroom dwelling – 27 Barkestone Lane Plungar NG13 0JA.

Level of decision: Delegated

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

Inspector's conclusions: Dismissed – The main issue is whether the appeal site represents an appropriate location for housing having regard to national and local policies which seek to protect the character and appearance of the countryside and whether any adverse impacts would significantly outweigh the benefits of the proposal.

Plungar is a rural settlement located outside the main urban area. Policy SS3 of the Local Plan supports development in such locations where amongst other considerations there is a proven local need identified by substantive evidence. In the absence of such evidence the development would conflict with Policy in this regard.

The inspector noted only very limited services and facilities in Plungar: a pub, church and village hall. The inspector concluded that the services and facilities in the village would not meet day to day needs.

Based on the evidence before the inspector the development would necessitate the use of a private car. As such, they did not consider that the proposal would support the provisions of paragraph 103 of the NPPF which states that planning should actively manage patterns of growth to support the use of public transport, walking and cycling. Similarly, because of the locational constraints of the site the inspector did not consider that the proposal would enhance the vitality of rural communities in the matter identified in paragraph 78 of the NPPF.

Proposal: 17/01641/FULHH Proposed new sun room extension to side of existing property – 9 Craven Court, Burton Road, Melton Mowbray.

Level of decision: Delegated

Reasons for refusal: The proposed dwelling, by reason of design, would have an adverse impact on the listed building and its surroundings and would therefore be visually detrimental to the heritage asset by virtue of its incongruous appearance and interruption of the linear form of the building. The proposal would therefore be contrary to Paragraph 131, 132 and 134 of the NPPF, and Policies OS1 and BE1 which seek to ensure development is visually acceptable. Furthermore the proposal is not in accordance with Policy EN13 of the emerging local plan as it fails to secure the viable and sustainable future of a heritage asset through uses that are consistent with the heritage asset and its conservation.

Inspector's conclusions: Allowed – The main issues were whether the proposed development works would preserve the grade II listed building (listed as Craven Lodge) its setting or any features of special architectural and historic interest it possesses and whether any harm would be caused to the significance of the designated heritage asset.

The inspector considered that the special interest/significance of the overall listed building is largely derived from its age, form, fabric, high quality architectural detailing and associations with notable people and institutions. As such, it has high aesthetic, evidential, historic and communal value.

The special interest/significance of the listed building is mainly experienced from within its landscaped grounds. It appears that those grounds have been altered in the recent past with the construction of a number of new buildings and the introduction of black estate railings to demarcate domestic garden areas. The landscaped grounds contain many mature trees and attractive garden areas and appear to have formed the historic grounds associated with Craven Lodge. As such, this garden setting positively contributes to the special interest/significance of the listed building.

The proposal would involve the construction of a single storey sun room extension against the end elevation of the appeal building. Its classically influenced design would reflect that of similar extensions on the listed building and therefore its design would not be seen as incongruous in this respect. Works and development would be in accordance with the Act.

Proposal: 17/01584/FUL Erection of 2 Detached Dormer Bungalows and associated access and landscaping – Land North of 55 Main Street Kirby Bellars.

Level of decision: Delegated

Reasons for refusal:

1 In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of two residential dwellings in an unsustainable location. The development is in an unsustainable village location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Paragraph 17 of the NPPF and contrary to Policy SS3 of the emerging Local Plan which seeks to resist development in the countryside to that which is necessary and appropriate.

2 The proposal would create two large 4 bedroom dwellings, of which the Borough is well stocked. The proposal is therefore not in accordance with part 6 of the National Planning Policy Framework which aims to deliver a wide choice of high quality homes, in particular Paragraph 50 which seeks to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and Policy C2 of the emerging Local Plan which seeks to secure developments provide an appropriate mix and size of dwellings to meet the needs of current and future householders.

3 The proposed dwellings, by reasons of their scale and appearance, would result in an incongruous form of development that would have a detrimental visual impact on the street scene in this edge of village rural setting and would impact on the character and appearance of the area. Consequently, the proposal is therefore contrary to Policy BE1 of the Local Plan, Paragraph 17 of the National Planning Policy Framework 2012 and Policy D1 of the emerging Local Plan which seeks to ensure development is sympathetic to its context.

Inspector's conclusions: Dismissed – The main issue is whether the proposed development would be suitable for housing taking into account, the policies of the LP and the Framework in relation to housing in rural areas; whether the proposal would provide an acceptable mix of housing and the effect on the character and appearance of the area.

The inspector dismissed the appeal concluding that there is no Neighbourhood Plan and little evidence of a community led strategy or housing needs assessment for Kirby Bellars. Market conditions and the demand of that market is only one indication of the housing mix required by the development plan and there is also a demand from older people downsizing. The supporting text to LP Policy C2 also states that Melton has an ageing population and that there is a need to provide smaller homes suitable for downsizing households.

Furthermore, there is a clear policy emphasis on providing 2 and 3 bed dwellings and little justification has been provided as to why the appeal site cannot satisfy this housing mix.

There is no dispute that the Council can demonstrate a five year supply of deliverable housing sites. (HLS) whilst the Council has a HLS, the Framework does not suggest that this should be treated as a cap or an upper limit. Government Policy, as expressed in paragraph 59 of the Framework, is to significantly boost the supply of housing.

The inspector found that the proposal would comply with LP Policy D1 as the development would not harm the character and appearance of the area. Moreover, the traffic generation and greenhouse gas emissions would be likely to be similar to that of the fall back position. However, the information before me does not offer sufficient clarity and robustness that there is a proven local need for 4-bed dwellings within the settlement and that a housing mix to meet the clear policy emphasis of the recently adopted LP could not be provided on the appeal site. It follows that the proposal would conflict with LP Policies SS3 and C2 and in these respects the proposed development would not be suitable for housing.

The Inspector concluded that the development was contrary to LP Policy SS3 consider that there are no material considerations of such weight, including the provisions of the Framework, to lead me to the conclusion that the proposal should be determined other than in accordance with the Plan.

Proposal: 18/00246/FUL Proposed conversion of existing garage into a dwelling – Brook Farm, 8 Nether End, Great Dalby.

Level of decision: Delegated

Reasons for refusal: The proposed development by virtue of infilling an important green open area which lies outside of the defined village envelope would not preserve or enhance the Conservation Area and would have a detrimental impact upon the character of the area contrary to the local plan policies OS2 and BE1, Paragraph 134 of the NPPF, Policies EN6 and D1 of the emerging Local Plan and the statutory duty of the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal whilst providing some benefit or providing housing of a category to which the borough is currently deficient is not considered to be of sufficient benefit to outweigh the provisions of the local plan and fails the core planning principles of the NPPF in particular Chapter 11 (Conserving and Enhancing the Natural Environment and Chapter 12 (Conserving and Enhancing Heritage Assets).

Inspector's conclusions: Allowed – The main issue is the effect of the proposal on the character and appearance of the area taking into account its location within Great Dalby Conservation Area (GDCA)

The inspector allowed the appeal concluding that planning permission was granted for the conversion of the existing garage into a 2-storey dwelling earlier this year. In 2017 a certificate of lawful use of development (proposed) was granted for a detached garage to the rear of Brook Farm. Given that the area for the detached garage has been levelled and prepared and that fencing has begun to be erected to demarcate the boundary between Brook Farm and the appeal site it is highly likely that the planning permission would be implemented. This constitutes the fall back position and has significant weight.

The proposal would not have a materially greater impact than the fall back position and it would not harm the character and appearance of the area including that of the GDCA. As such, it would be preserved. It follows that the proposal would conform with

LP Policies EN6 and D1 which, amongst other things, state that development proposal will be supported where they do not harm open areas which contribute to the key characteristics and features of conservation areas.

The Council have stated that they can demonstrate well in excess of a 5 year supply of deliverable housing sites (HLS) However, the existence of a HLS does not mean that further housing should necessarily be refused as the HLS is a minimum provision, not a target. Moreover, there is little evidence before me to indicate that the allocated site in Great Dalby would facilitate the development of the appeal site.

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