



MEETING OF THE
PLANNING COMMITTEE

Market Tavern, Scalford Road, Melton Mowbray

27 April 2017

PRESENT:

J Illingworth (Chair), J Simpson (Vice Chair), P Baguley,
G Botterill, P Cumbers, J Douglas,
E Holmes, M Sheldon, J Wyatt

AS SUBSTITUTE

Cllr Rhodes for Cllr Chandler
Cllr Posnett for Cllr Glancy

Solicitor to the Council (SK), Head of Regulatory Services,
Regulatory Services Manager, Planning Officer (LP), Planning Officer (GBA),
Administrative Assistant (KS)

PL79. APOLOGIES FOR ABSENCE

Cllr Chandler and Cllr Glancy

PL80. DECLARATIONS OF INTEREST

Cllr Rhodes declared an interest in application 16/00032/OUT as he had previously spoke on the application as Ward Councillor and stated that he would leave the Committee table when a decision was made.

Cllr Rhodes and Cllr Posnett declared an interest as County Councillors on any applications that involved County Matters.

PL81. MINUTES

Minutes of the meeting 16 March 2017

Approval of the Minutes was proposed by Cllr Holmes and seconded by Cllr Sheldon.

The Committee voted in agreement. It was unanimously agreed by those present at the previous meeting that the Chair sign them as a true record.

PL82. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 16/00032/OUT
Applicant: Davidsons Developments Ltd – Mr & Mrs Eggleston
Location: Land South of Keystones, Sand Pit Lane, Long Clawson
Proposal: Residential development of up to 55 dwellings, together with new areas of public open space, access, landscaping and drainage infrastructure.

Cllr Rhodes vacated his seat at the table 6.05pm.

- (a) The Regulatory Services Manager stated: The determination of the application was deferred at the 16th June 2016 Planning Committee meeting to allow for further investigation of schooling and drainage matters.
There are two matters which Members need to be aware of:
1. The updated report states that the Section 106 will contribute to physical works to extend the Primary School which the Education Authority consider is deliverable. This follows a meeting between the school and Education Authority earlier this year. Since the publication of the agenda, the school has advised that these were only informal discussions and that nothing has been agreed. The scheme would require the formal approval of the governors.
 2. A solicitor representing the applicants of an outstanding scheme at Birleys Garage in Long Clawson has very recently objected to the application, with final comments received only a few hours before this committee meeting. They consider that the determination of the application should be deferred until an enduring workable education solution is provided for Long Clawson, so that all pending applications are treated equally. They refer to case law which it has not been possible for officers to consider before this meeting.

Reg Services Manager considers that it is unsafe to proceed considering the application until these matters are satisfactorily resolved and RECOMMENDS that the determination of the application is deferred.

Cllr Wyatt proposed to defer the application and made apologies to those who had made the journey especially.

Cllr Holmes seconded the proposal and added that there were still problems with drainage.

The Chair stated that he was disappointed that a meeting took place in January and the contents of which did not go to the board of governors.

A vote was taken: It was unanimously agreed that the application should be

deferred.

Cllr Rhodes returned to the table at 6:11pm.

DETERMINATION: Deferred, to allow for the outcome of the Primary School Governor's meeting to be understood and to take advice on the letter received from a 'rival' site in Long Clawson.

- (2) **Reference: 16/00100/OUT**
Applicant: Hazelton Homes and Mark Curtis Bennett
Location: Field OS 3300, Oakham Road, Somerby
Proposal: Residential development for up to 32 no. dwellings

- (a) The Head of Regulatory Services stated that:
- This is an outline application with all matters reserved

Highways issues

The Highways Authority have now responded to these points and advise:

Due to the small scale of development a Transport Statement or detailed trip distribution analysis was not needed. As part of application reference 16/00615/OUT for up to 31 dwellings within Somerby, the applicants did however calculate up to 30 trips would be generated by a development of 35 dwellings in the AM peak and 26 during the PM peak. The CHA consider application 16/00100 would generate similar levels of traffic. This would not be severe in road safety terms

The majority of these trips would most likely disperse in the directions of Melton, Oakham and Leicester meaning any additional development traffic through Owston would be minimal and could not be classed as severe. Any development traffic which does travel through Owston is likely to use Somerby Road/ Long Lane/ Whatborough Road, which is a classified C road and considered suitable to accommodate any additional traffic generated by the two developments. Due to the limited number of possible destinations to the west of Owston and in relation to the strategic road network, the CHA consider it is unlikely development traffic would disperse off the main road and through Owston on to the narrower single track roads.

Update

A further objection has been received concerned that the drainage system is inadequate. I have asked for reasons and the author considers the existing system to inadequate and leads to problems, so adding to its burden will only worsen these. I have explained that the proposed system would store water rather than add it into the system and the objector believes that water will discharge from the proposed swale into the adjacent houses.

A letter has been distributed to neighbours seeking to explain the approach to drainage. However this has proved to be contentious because it is alleged its content misrepresents the strategy submitted as part of the application:

First

1. The letter says: "Site levels are to be reduced with the removal of vegetation while the floor levels of the proposed properties are to be set at levels no higher than the existing properties to Firdale and Oakham Road", But the application says: "The proposed FFLs and road are to be set a minimum of 450mm above the existing site levels to enable dry means of escape for residents".
2. The letter says: "No new development surface water flows will be discharged into these ditches" [The one on the perimeter to west and east]. But the application says: "FFLs to be set such that gardens drain towards existing ditch"
3. The letter says: "The site sits lower than the existing residential housing and rear gardens to the adjacent properties to the West" It absolutely does not. Even against Firdale which is higher, the field is higher too. They are at the same level at the boundary, and the gardens themselves are lower.

The applicants have responded to advise:

- 1) The final site levels will be subject to agreement/approval with the LLFA as part of the detailed design phase. Siting the FFLs at 450mm above at this stage was discussed with the LLFA during the application. It is our intention that following the removal of vegetation the FFL will be agreed with the planning authority.
- 2) No positive drainage (piped) shall drain into the adjacent ditch on the western boundary. Minimal surface runoff from the gardens to the western boundary may enter the ditch if the ground is saturated in extreme storm events.
- 3) The levels at the boundary are the same as the adjacent land; however the topography of the development site tends to the north east corner. Therefore the site does sit lower than the adjacent site with levels from the western boundary falling towards the north east.

Key issues for the Committee will be:

- Whether Somerby is a sustainable location for residential development – page 17 (narrative re local facilities and other appeal decisions)
- Flood Risk – there is very detailed guidance on flood risk and how sites should be assessed. I have quoted the relevant parts verbatim starting on page 14 and as will be seen the emphasis is strongly on flooding from watercourses, but other sources “must be taken into account”. The application has taken the surface water information into account and given that it falls in the ‘low’ category in the EA publications we consider this an adequate application of the Sequential Test
- Drainage – very significant quantity of assessment carried out. The drainage strategy has evolved in response to comments made and is in its 4th iteration. This has been reviewed by the LLFA who deem it satisfactory (subject to details) and they have also reviewed the advice that they have provided through referral to independent advisors who have endorsed the conclusion (see top of page 9) In a similar vein, independent advisors have reviewed the objections

made to the drainage system and have similarly concluded that their assessment and conclusions are sound (see page 13). This is a level of assurance unprecedented in my experience.

- Traffic in High St – whether the quantities we may expect from a development of up to 32 houses (HA estimate approx. 30 during the peak hour, not all of which would travel along High St, - one extra car every 2 minutes).would render the situation severe.

Finally may I add that I met with the Ward Cllr, Cllr Higgins, for some time yesterday and went through every aspect of the application. His submission via the Chair was produced subsequent to this.

(b) Cllr Lynn Camplejohn, on behalf of Somerby Parish Council, was invited to speak and stated that:

- Local plan is out of date
- Recognise and accepts need for housing
- Requirement for ten market houses and ten affordable, this application is larger than the requirement
- Site is a high flood risk from ground water
- Inappropriate, not acceptable and should be avoided
- Somerby is not sustainable as it has limited facilities, no good employment opportunities and transport is doubtful. 82% of residents do not work locally, 17% travel less than 5km.
- Unsustainable in terms of employment and travel
- Known flooding area

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

- Below proposed site is a shallow “bowl”, the bedrock of which is clay which is the worst natural drainage
- Site floods every year
- Ground water flow is unpredictable and overlooked
- Increases risk of ground water flooding
- Site has the highest probability of flooding already
- Unsustainable due to flooding

(d) Mr Jon Davey, on behalf of the applicant, was invited to speak and stated that:

- Ditches regraded to divert water
- The proposal will not discharge into ditches
- Prevention of surface water
- Slow down surface water rate
- Water stored on site, held back and gradually released
- Simple scheme adopted in other areas
- More detailed application would be undertaken to measure depth of

- ground water
- Water storage would be safe and provide betterment on existing situation
- Provision of swale to accommodate overflow

Cllr Rhodes sought clarification as to what arrangements would be undertaken to drain the site before beginning development.

The applicant stated that the ground water depth would be measured first to see what measures need to be in place.

Cllr Rhodes stated that perhaps this should have been done already.

The applicant stated that as the application is currently outline it would be done at the next stage and agreed with the LLFA.

Cllr Sheldon asked if the release of water would be automated and who would be responsible for the maintenance.

The applicant stated that there would be an RFS control system with a hydraulic modelling system to control the discharge rate. A maintenance company would be employed.

The Chair read out a letter from Cllr Higgins, which stated that:

The residents of Somerby, but more importantly those immediately affected are the nearby neighbours on Oakham Road, Firdale, Surgery Close and surrounding area as mentioned in the petition, have a strong concern with this application in terms of flood risk. I also share this view and have made the strongest representations to the Agent and officers on the matter. I have known the site virtually all my life and there surface water and flooding and has been an issue for many years in this area. Local knowledge goes a long way and the residents have made some reasonable points on the flooding aspect.

The applicant has listened to the concerns I have raised directly and made some concessions, such as adding in additional ditch at the back on the site, which are to be welcomed however, the residents remain unconvinced and I am unsure if the relevant sequential test has been met as set out in the NPPF. The document from Mr Carl Powell, and residents, I believe is one of the best documents a resident has presented to committee to convey those concerns from people who have better things to be getting on with than correcting the account from professional consultants. While it is true the document by the applicant has been revised several times the comments from residents is that there seem to still be inaccuracies which I know you will want to be assured you have the right information in front of you.

The sequential test is an important test and I know this will be debated healthily tonight. If you remain unconvinced this has been met then you cannot then permit the application.

I have stated this point several times but as Councillors we hold the public

interest. That does not necessarily mean planning is a popularity contest but it does mean we need to be assured we believe that the information is right and any decision is safe should we be minded to permit. It seems the applicant has not provided such information at this time for you.

If you are minded to permit, but are unsure of some very detailed technical evidence being accurate, I feel the safest option would be to defer the decision and request more information to satisfy your concern. You hold the public interest to ensure that any mitigation does not impact the wider area which does flood regularly.

National guidance in the NPPG does ask you, as decision makers, to consider “other sources of flooding also need to be taken into account in applying the sequential approach”. We need to be mindful that water can wreak havoc no matter what form it comes in by sea, river or surface water. The evidence in the report Carl, and residents, have presented show this to be the case.

If you are minded to refuse, and the residents want me to convey this in the strongest sense, then you have a reasonable option to find that the application has failed to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The application is therefore contrary to the NPPF objectives to steer new development to areas with the lowest probability of flooding (paras 101 – 103).

I would like to thank you for your consideration and especially the Somerby residents for the work they have put into this in a very reasonable manner, and who have done the work to a high standard.

The Head of Regulatory Services responded to points raised and noted that although objectors stated that the site is a high flood risk, the EA risk map for surface water actually shows it to be low. The Parish Council evidence shows that the application site has the lowest flooding in that area compared to adjacent sites. He stated that other forms of flooding have been taken into account.

A Cllr stated that there is an issue with flooding and surface water drainage, and wondered if the addition of houses would only add problems.

Cllr Rhodes proposed to refuse the application as it is unsafe and there is no adequate drainage system.

Cllr Holmes seconded the proposal.

A Cllr stated that there are already flood issues in Somerby and that they supported refusal.

Cllr Holmes enquired whether the proposer would accept a suggestion that road safety is added as a reason for refusal, owing to a narrowing of Oakham Rd around the entrance to the site.

A vote was taken: Nine Members voted in favour of refusal and two Members

abstained.

DETERMINATION: Refused, for the following reason:

In the opinion of the Local Planning Authority the application has failed to demonstrate that it can be adequately drained without increasing flood risk elsewhere. It is therefore contrary to para 102 of the NPPF.

- (3) **Reference: 16/00146/OUT**
 Applicant: Mr M Barnes
 Location: Southfields 10 Church Lane Somerby
 Proposal: Outline planning approval for the demolition of livestock buildings and construction of 12 dwellings

(a) The Planning Officer stated that:

This application seeks outline permission for the demolition of livestock building and the construction of 12 dwellings, all matters are reserved with only access considered at this time.

The application site is an existing and operating farm located on the edge of Somerby village and therefore is considered an appropriate brownfield site for development.

The proposal does include a 40% mix of affordable housing and whilst the Borough is able to demonstrate a 5 year housing land supply affordable housing provision remains one of the Council's key priorities.

The application presents a balance of competing objectives, there are significant benefits from this proposal when assessed under the NPPF in terms of housing supply and affordable housing in particular.

The balancing issues are considered to be impact on the character of the rural village with the site being on the edge of the settlement and surrounded by open countryside.

The issues are considered to be of limited harm, bearing in mind the sites close proximity to existing built form.

As such, the application is recommended to approval subject to conditions as set out in the report.

It should be noted that this application is linked to another application that

proposed the construction of a new farm house, matters concerning the new farmhouse will be discussed during the next item, 16/00616/FUL.

(b) Andrew Gore, on behalf of the objectors, was invited to speak and stated that:

- Application may be below the threshold for a Transport Assessment, however nothing has been submitted at all
- Although Highways support, no assessment has been undertaken
- Failure to assess will result on impact on amenities
- Adverse impact on character of listed building setting and Conservation Area
- Detailed application should be requested

(c) Maurice Fairhurst, agent on behalf of the applicant, was invited to speak and stated that:

- Vehicles currently have difficulty accessing dairy due to narrow lane
- Pedestrian/vehicle conflict exists
- Relocation of buildings served by a new access avoids traffic going through village
- Application delivers benefits for applicant, economy, village and residents
- Improves farming efficiency
- Construction of new buildings provides jobs
- Meets Council housing needs
- Improves traffic situation
- Satisfactory for Highways, drainage and ecology requirements

Cllr Simpson asked if one of the buildings was to be left on site.

The agent stated that the building in question is not part of the application.

The Chair read out a letter from Cllr Higgins, which stated that:

- Small application
- Removes traffic from Church Lane
- Large level of support and represents a nice design
- Benefits the village overall

The Planning Officer stated that the application is not within the Conservation Area and is separated by listed buildings. The site may enhance the overall design.

Cllr Wyatt proposed to permit the application as it is a positive gain for the village; it will take farm traffic away from Church Lane and will improve the layout of the village.

Cllr Baguley seconded the proposal to permit.

A Cllr stated that it was a planning gain, it will remove smell, noise and traffic from

Church Lane.

A Cllr stated it is a huge gain, would be better for residents and has housing benefits.

A vote was taken and it was unanimously agreed that the application should be permitted.

DETERMINATION: Permit, subject to the completion of a s106 agreement and subject to the conditions as set out in the officer's report, for the following reasons:

The Borough whilst being able to demonstrate a 5 year housing land supply is deficient in terms of housing land supply more generally and this would be partly addressed by the application.

Affordable housing provision remains of the Council's key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application represents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Somerby is considered to be a reasonably sustainable location where primary education and other services can be assessed. It is considered that there are material considerations of significant weight in favour of the application.

There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage along with developer contributions to mitigate impacts upon local services.

Though by no means "optimum", the site is considered to perform reasonably well in terms of access to facilities and transport links: those in the immediate. However there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the impact on the character of the rural village being on the edge of the settlement and surrounded by open countryside.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a green field site and limitations to the sustainability of the location – are considered to be of limited harm.

This is because, in this location, the site benefits from a range of services in the immediate vicinity and nearby which mitigate the extent to which travel is

necessary and limits journey distance, the character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities.

Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits; it is considered that permission can be granted.

- (4) **Reference: 16/00616/FUL**
Applicant: Mr M Barnes
Location: Southfields 10 Church Lane Somerby
Proposal: Construction of new farmhouse and detached domestic garage and extension to existing agricultural building for farm milking shed. All to be served by existing farm access

(a) The Planning Officer stated that:

This application seeks full planning permission for the construction of a new farmhouse and detached domestic garage along with an extension to existing agricultural building for farm milking shed, these are to be served by the existing farm access on Owston Road.

A large part of the application site is green field detached from the built form of Somerby, however it does contain an existing cattle shed which was approved in 2015 and is currently used for agricultural purposes.

The application presents a balance of competing objectives, there are significant benefits from this proposal when assessed under the NPPF in terms of removing noise, smell and traffic from the existing farm location, situated close to residential properties along with surface water management in the form of a sustainable drainage scheme.

The balancing issues are considered to be primarily the existing access to the farm yard from Owston Road, it is acknowledged that the access point does not achieve the standard of visibility usually accepted by the County Highway Authority, however this access point has been assessed and discussed with the County Highway Authority throughout the application process and it is considered as betterment in Highway terms, removing farm vehicles from Church Lane.

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

(b) Andrew Gore, on behalf of the objectors, was invited to speak and stated that:

- Application requires use of Owston Road for access
- No requirement to demolish other buildings outside of red line, however

- they fall into site
- Proposed conditions prevent use of Church Lane by farm traffic only, not other traffic
- Proposed conditions are not sufficient enough to prevent over capacity on Church Lane
- Landscape and visual impact need to be considered
- Should be refused until shortcomings are properly addressed

(c) Maurice Fairhurst, agent on behalf of the applicant, was invited to speak and stated that:

- Owner is prepared to move other building outside of red line to the new site
- All buildings grouped to facilitate functioning farm
- Minimise the visual impact on countryside
- Improvements to access roads will be made before development
- All farm traffic routed via Owston Road and eradicated from Church Lane
- Benefits for farm, village and highways

Cllr Simpson asked for clarification that the building outside of the red line on the plan would be moved with the other buildings.

The agent stated that it would.

The Planning Officer stated that page six of the report contains information on landscaping with regards to a rural building within a setting of rural landscape.

The Head of Regulatory Services asked the Committee to specifically consider if condition seven was adequate in view of Mr Gore's comments.

A Cllr asked if condition seven should cover more than just farm traffic, as if there is other buildings on the site Church Lane could still be used.

The Chair clarified that the building in question forms part of the farm and will be moved.

Cllr Wyatt proposed to permit the application as it was necessary to house the farm and dairy herd.

Cllr Botterill seconded the proposal and stated that it will benefit the business as the ground can be sold and will fund the new farm and dairy.

A Cllr stated that it could provide employment for residents as a business in a rural area and people should be encouraged to update their businesses.

A Cllr stated that it was an excellent application and they were happy to support.

A vote was taken and it was unanimously agreed that the application should be permitted.

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

The existing farm is need of repair, the buildings are run down and some of which require replacement in their entirety. The existing access to the farm along Church Lane is restrictive and causes issues for local residents.

The proposed use of the existing access off Owston Road whilst not achieving the standard of visibility usually accepted by the County Highway Authority is considered as betterment in Highway terms, removing farm vehicles from Church Lane.

There are a number of other positive benefits of the scheme which include the removal of poor quality agricultural buildings and the associated noise and smell of the farm for nearby residential dwellings.

Other positive benefits of the scheme which include surface water management in the form of a sustainable drainage along with developer contributions to mitigate impacts upon local services.

It is considered that balanced against the positive elements are the specific concerns, particularly the impact on Highway Safety.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of boosting the rural economy and removal of a farm use within close proximity to residential dwellings. The balancing issues – proposed access not meeting the usual requirements of the County Highway Authority are considered to be of limited harm.

This is because, the applicant would not be intensifying the use of the access and speed results have been submitted that demonstrate the access does not pose a risk to highway users.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

(5) Reference: 16/00911/OUT
Applicant: Mr J T Orson
Location: North Lodge Farm, Longcliff Hill, Old Dalby

Proposal: Outline planning approval the extension of the approved residential development to provide an additional 8 dwellings

(a) The Planning Officer stated that:

This application seeks outline permission for the extension of the approved residential development to provide an additional 8 dwellings.

Permission has been granted under application reference 16/00184/OUT for up to 20 dwellings which includes 8 affordable. The site falls outside of the previously designated village envelope and access to the site is proposed directly from Longcliff Hill as per previously approved.

The proposal has been assessed alongside the previous approval and contributions sought for the total of 28 dwellings including an additional affordable housing contribution.

There are updates to the report, one additional objection has been received which echoes those within the report.

Also a request has been made by the Board of Trustees of Old Dalby Village Hall, they have requested a contribution to the upgrade of the existing hall. Information submitted has stated that the village hall is used for recreation, meetings, classes, lectures and leisure time activities with the objective of "improving the conditions of life of the residents of the inhabitants of the Parish of Nether Broughton or Old Dalby".

Estimated costs for the upgrade are likely to be above £100,000. In other locations we have been successful by suggesting that a fair proportion can be calculated by dividing the number of new houses by the total who would make use of the facility concerned, in this instance this would mean number of dwellings in the application divided by number of dwellings in Old Dalby multiplied by the approximate cost of the upgrade.

So the calculation would be 8 (the number of dwellings) divided by 420 (number of properties in Old Dalby village and Queensway) multiplied by £100,000. This provides a contribution request of £1904 which is considered fairly and reasonably related in scale and kind to the development.

Details of this request and sum have been put to the agent who has agreed to provide the additional contribution as part of the Section 106 agreement should Members be minded to approve the application.

Overall, the application presents a balance of competing objectives, there are significant benefits from this proposal when assessed under the NPPF in terms of housing supply and affordable housing in particular along with developer contributions to mitigate impacts on local services.

The balancing issues are considered to be impact on the character of the rural village with the site being on the edge of the settlement and surrounded by open countryside.

The issues are considered to be of limited harm, bearing in mind the sites close proximity to existing built form.

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

(b) Cllr Dan Wade, on behalf of Broughton and Old Dalby Parish Council, was invited to speak and stated that:

- Traffic problems due to narrow lanes
- Concern of narrow bend and to add housing will cause severe problems to residents
- Site takes wedge of land of SCHLAA and the extra land grows by 50%
- Increase in density
- No provisions for flooding or amenity land
- 8 properties would not have a footpath outside
- Scheme not viable or needed

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

- Acceptable site as 20 dwellings already permitted
- Public footpath and good access to amenities
- Local Plan shows site as a residential allocation
- No change to proposed access
- Highways support
- No drainage or ecological problems
- Layout suitable and large enough
- A further detailed application will resolve concerns

The Planning Officer stated that the SCHLAA is an indication of development and capacity of dwellings and this application should be assessed on the number of dwellings put forward.

A Cllr asked what the reason for condition 20 was.

The Planning Officer stated that the additional 8 dwellings cannot be built in isolation unless the first 20 are built.

Cllr Simpson proposed to permit the application as per the officer's recommendation, with an added condition for contribution to the Village Hall.

Cllr Wyatt seconded the proposal.

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

DETERMINATION: Permit in accordance with the conditions as set out in the report, and subject to the completion of a s106 agreement as set out, plus the payment of £1904 as a contribution to the upgrading of the Village Hall.

Reasons:

Affordable housing provision remains of the Council's key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application represents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Old Dalby is considered to be a reasonably sustainable location where primary education and other services can be assessed. It is considered that there are material considerations of significant weight in favour of the application.

There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage along with developer contributions to mitigate impacts upon local services.

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

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

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a green field site and sustainability – are considered to be of limited harm.

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

(6) Reference: 16/00956/FUL
Applicant: Mr Michael Kennedy
Location: Land Adjacent To Hillcrest 4 Tofts Hill, Tofts Hill, Stathern
Proposal: Erection of detached dwelling

(a) The Planning Officer stated that:

The following proposal is a submission for full planning permission for one dwelling adjacent to number 4 Tofts Hill. The site is currently agricultural with a stable to the rear, cemetery to the south east and existing dwelling to the north west. Full details on the design, scale and appearance have been submitted and subsequently for consideration. Amendments have been obtained twice to seek better amenity on the neighbouring property and design overall. The scheme is now viewed to do this sufficiently along with being designed appropriately given the scale of the plot it is situated in. It has been met with a balanced view locally as can be see level of support versus objection that has been received.

Please note that since the production of the report, additional representations have been received (details to follow on this before the meeting).

(b) David Mell, on behalf of the objectors, was invited to speak and stated that:

- Not a modest proposal
- Over average house
- Previous proposal of a 3 bed house refused due to lack of smaller dwellings
- Harm to community asset that is Toft's Hill is significant
- Road used by walkers and horse riders
- Local Plan states that it would be inappropriate to further development up the slope of the hill
- Most sensitive part of village
- Negative impact on landscape setting
- Affects views over roofscape
- Previous appeal rejected to build a house and bungalow, cannot reject that and approve this as it provides less housing stock

(c) Michael Kennedy, the applicant, was invited to speak and stated that:

- 21 letters of support and 19 of objection
- Perceived impacts do not outweigh the benefits
- Existing buildings already interrupt the view
- Positive design
- Plot considered as infill
- Site is not disconnected from the village
- No significant views from the cemetery and are not protected

- Size is not a relevant planning concern

The Planning Officer stated that previous applications could not be referenced as they were different times, and there is currently a shortage of 4 bed dwellings in Stathern.

Cllr Simpson proposed to permit the application as per the officer's recommendation as there is a shortage of 4 bed dwellings and family houses are not a priority at present.

Cllr Wyatt seconded the proposal to permit.

A Cllr stated that the application should be refused as the cemetery setting is tranquil and should remain that way. They stated that this would be a development too far and that the refused appeal is relevant.

A Cllr stated that they could not support the application as Toft's Hill is too important and the development would be too big and too close to the cemetery.

A Cllr suggested that the dwelling should be built elsewhere on the site where it would have a lesser impact.

A vote was taken to permit the application: 6 Members voted in favour and 5 Members voted against.

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

The application site lies just outside the village envelope and therefore policy OS2 is relevant. However, this policy is recognised as out of date and therefore NPPF policies apply.

The house type proposed meets the requirements of the Borough's housing needs in providing a modest four bedroom accommodation of which there is a shortfall in the area. The NPPF seeks to boost significantly housing growth in sustainable locations of which Stathern is considered as a sustainable village within the Local Development Framework. Accordingly, the proposal is recommended for approval subject to conditions.

Applying the balance required by the NPPF (para 14) it is considered that the harmful impacts of the development would be very limited and as such are outweighed by the contribution that the proposal would make to housing supply, albeit modest as this is for a single dwelling. The impacts are not considered to significantly and demonstrably outweigh the benefits, within the terms of the policies set out in the NPPF and as a result should be approved.

PL83. ARTICLE 4 DIRECTION – MELTON MOWBRAY HOSPITAL,

THORPE ROAD, MELTON MOWBRAY

The Chair stated that a decision had already been made but not implemented.
The Chair proposed to confirm.

Cllr Holmes seconded the proposal.

DTERMINATION: A vote was taken and it unanimously decided that Article 4 should be confirmed.

PL84. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 8.11pm