



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

02 February 2017

PRESENT:

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

Solicitor to the Council (SK), Regulatory Services Manager (PR),
Planning Officer (LP), Administrative Assistant (AS)

PL63. APOLOGIES FOR ABSENCE

None

PL64. DECLARATIONS OF INTEREST

The Chair announced that Cllr Orson wouldn't be able to speak as Ward Councillor at this evening's meeting due to having a disclosable pecuniary interest in applications 16/00816/FUL Land adjacent 2 Queensway, Old Dalby and 16/00577/FUL 42 Main Road, Nether Broughton.

PL65. MINUTES

Minutes of the meeting 12 January 2017

Approval of the Minutes was proposed by Cllr Illingworth and seconded by Cllr Sheldon. The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

PL66. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 16/00793/OUT
Applicant: Davidsons Developments Ltd And The Bicker Family
Location: Field OS 1100 Bescaby Lane Waltham On The Wolds
Proposal: Outline Planning Application for up to 45 No. Dwellings

- (a) The Regulatory Services Officer stated that:
Following the receipt of late representations it is noted that archaeology and drainage are not covered in the committee report and the history of the site is not accurately reported. Recommend that it is not safe to consider the application until these matters are addressed.

Cllr Holmes, Ward Cllr for Waltham on the Wolds proposed that the application be deferred as per officers recommendations.

Cllr Chandler seconded the proposal.

Cllr Cumbers requested that policy H11 also be taken in to consideration.

A vote was taken and the Members voted unanimously to defer the application.

DETERMINATION: Application deferred to a future committee meeting to enable outstanding matters to be adequately addressed.

-
- (2) **Reference:** 16/00724/FUL
Applicant: Littlebell Ltd:- C/O Mr Richard Reynolds
Location: Land to the rear of 25 to 53 Ankle Hill
Proposal: Construct six dwellings

- (a) The Regulatory Services Manager stated that:

The application was deferred to from the last committee meeting to seek clarification on the approach to drainage maintenance and to seek amendments to plots 1 and 6. Details of drainage have been submitted which are considered to be acceptable and the Lead Local Flood Authority confirm that their standing advice should be applied. Plot 1 has been moved away from neighbours on Ankle Hill and plot 6 is unchanged. Additional comments received from neighbours since the agenda was published.

(b) Steve Limb, on behalf of the objectors, was invited to speak and stated that: there were concerns regarding-

- drainage
- The height of plot 1. Requested that condition 4 remain in place and levels to be approved by the Ward Councillor.
- Amendments to plot 6 had failed to address previous concerns with regards to the upper floor windows.

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

- 3 issues raised by residents.
- Drainage to be outlined to satisfaction to officers.
- Maintenance should be achievable.
- Boundary can be amended to accommodate comments at the meeting. A new hedge to provide a better visual.
- Plot 1 and 6 to be reviewed. Plot 1 repositioned to improve overlooking. Plot 6 - revised position was discussed but officers preferred the original location.

(d) Cllr Greenow, Melton Warwick Ward Councillor, was invited to speak and stated that:

- Pleased applicant has engaged with us and reacted to concerns regarding plot 1.
- Retention of condition 4.
- New condition regarding existing trees to be maintained and retained.
- Concerns regarding access during construction.
- Remove high level window to reduce overlooking on Ankle Hill.

Cllr Sheldon asked for a point of clarification if they were asking for TPO's to be put on trees.

Cllr Greenow confirmed that they were asking that the trees be protected during construction and retained after completion of development.

The Regulatory Services Managers noted speakers concern and summarised request for additional conditions as:

- Condition 4 relating to levels - confirmed that a Ward member or the Chair of the planning committee could be involved with the discharge of conditions regarding levels.
- Trees – 2 conditions suggested. Protection during construction with fencing and thereafter retained.
- Access – suggest that there is no access for construction traffic to the driveway that runs down the rear of the site.
- Plot 6 – bedroom has bedroom window in gable and should be removed.

Minor change which can be conditioned.

Members raised concerns with materials and asked if this could be conditioned. It was confirmed that the Chair or a Ward Councillor would be involved.

There were concerns raised regarding the changes to the housing mix and it being outside of policy requirements and also regarding the protection of the trees.

The Regulatory Services Manager confirmed that the trees were not worthy of TPO's however Members should trust if the application was allowed the developer would protect trees or replace.

Members were more concerned with the trees once the development had finished and residents moved in and may decide to cut the trees down.

The Solicitor to the Council reminded Members to limit their conditions to the development and that removal of trees by residents would be a civil matter.

The Regulatory Services Manager confirmed that the housing mix had changed since deferral. Plot 1 had moved but increased from 3 bedrooms to 5 bedrooms.

Members mentioned that they felt they hadn't considered the size of the properties previously because there had been so many other considerations.

Cllr Wyatt proposed to permit the application.

Cllr Simpson seconded the proposal and was pleased the concerns regarding separation distances had been addressed.

The Chair confirmed with the proposer and seconder that their proposal included the additional suggested conditions. They both agreed.

A vote was taken. 9 Members voted to permit the application. 2 Members voted against. Cllr Cumbers and Cllr Chandler requested that their votes against approval be recorded.

DETERMINATION: Approved as recommended, with the four additional conditions summarised above _

- 1. Protect trees during construction**
- 2. Retain trees thereafter**
- 3. No vehicular access from adjacent driveway**
- 4. No bedroom window in gable of plot 6**

- (3) **Reference:** 16/00577/FUL
Applicant: Mr J Greenwood
Location: 42 Main Road, Nether Broughton, Melton Mowbray
Proposal: Erection of ten new dwellings and alteration to existing access to replace existing buildings

(a) The Regulatory Services Manager stated that: This application is brought back to be considered by the committee following the decision to defer for various matters including:-

1. Changes to the design of the scheme
2. A closer observation around local plan policy H10 on local amenity space provision
3. Plot 1 changes

Following further consultation the scheme has been changed but remains in linear form with dormer removal on various plots. A supporting statement was supplied by the agents to show how the development complements the area. The amenity space has been identified and conforms with this standard and plot 1 has been orientated differently to be sited for highway visibility.

Finally during the course of this revised scheme, it has been noted that there could be matters of contamination and noise that have been added as conditions.

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

- The Parish Council now felt more able to support in principal.
- Number of town house style properties has been reduced which is encouraging.
- Capacity of primary school has now been exceeded so why wasn't it considered for S106.
- Would it be possible to condition the use of the village hall.

(c) Steve Lewis-Roberts, agent for the applicant, was invited to speak and stated that:

- No technical objections.
- Sustainable development.
- Enhance the area and traditional in appearance .
- Reflects character of village.
- Open space has been defined and is double the amount required.
- Plot 1 realigned so in keeping.
- Tree planting is specified.
- Less impact.
- Improved separation distances.
- S106 towards education and village hall.
- Material considerations.

Members raised concerns regarding noise from the village hall and suggested that trees were planted between the house and village hall to help with noise.

Mr Lewis-Roberts felt that this could be incorporated.

A Member raised concerns that trees would block out solar panels on the village hall.

Mr Lewis-Roberts suggested that it is a question of balance. Any future issues regarding noise would need to be dealt with by environmental health not planning. A buyer would need to take this in to consideration before purchasing the property.

The Regulatory Services Manager noted that:

- Education contributions - only for the secondary school not primary however this could be reviewed with the education authority now that the primary school is at/or close to capacity.
- Potential disturbance from village hall to plot 1. Trees wouldn't be the answer. Fencing would be more suitable.
- Any buyer would have to appreciate the relationship with the village hall.

Cllr Wyatt proposed to approve the application. **Cllr Baguley seconded** the proposal.

The Chair asked if the proposal included the S106. Cllr Wyatt agreed that it did.

Members still had some concerns with noise and the village hall.

The Chair reminded Members that events in the village hall would be subject to licensing regulations and were not a planning consideration.

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

DETERMINATION: Permission granted as recommendation ,subject to the need for a developer contribution for primary education being reviewed and if a need was identified ,to be incorporated into the section 106 agreement.

(4) **Reference:** 16/00816/FUL
 Applicant: Mr G Smith
 Location: Land Adjacent 2 Queensway Old Dalby
 Proposal: Full application for the development of 4 private dwellings

(a) The Regulatory Services Manager stated that:

The application relates to two pairs of semi-detached houses in the side garden of an existing house. The site is subject to a TPO and a number of trees would be removed as detailed in the report. Two points of access are proposed. Recommended that permission is granted.

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

- The development has been consistently resisted to preserve the entrance to Old Dalby. Planning history shows this.
- Detrimental to the community.
- Protect historic environment as it has been rigorously protected in the past.
- Protect amenity.
- TPO's on trees or replace like for like as they provide screening barrier to trading estate.
- Old Dalby primary school is over capacity and this will further exacerbate the problem.
- Density out of keeping.
- No turning room.
- Dangerous reversing out.
- Will affect traffic.

(c) Cllr Dorn, read out a statement on behalf of Judith Putnam, who is an objector:

- Contrary to policies SS3, EN1 and EN6 of the draft local plan.
- No documented need for 4 houses. There is already a good housing mix on the Queensway settlement.
- Does not respect existing landscape character.
- Approach will be dominated by brick walls in both directions.
- Concerns regarding trees.
- Not a sustainable infrastructure. School is 1 ½ miles away.
- Proposed access not safe for cars manoeuvring in and out.
- Overcrowding of site.
- Land subject to a covenant to stop it being built on. When was this rescinded.
- Drainage issues.

Cllr Holmes asked if there have there been any sewerage problems.

Cllr Dorn confirmed that he was not aware of any.

(d) Mark Geraghty, agent for the applicant, was invited to speak and stated that:

- Sought to design small scheme with sympathy to area.

- Does not remove public open space as it was designated as private garden for over 15 years.
- Added benefit of providing natural surveillance.
- Drainage managed by Severn Trent.
- Trees are not worthy of retention and will be replaced by cherry trees.
- Highways have confirmed that it will not adversely affect highway safety.
- Ideal starter homes.
- Local builder who employs local people.
- Scheme is deliverable.

Cllr Chandler asked for measurements of bedrooms.

Mr Geraghty confirmed that they are larger than standard Barratt or Persimmon homes bedrooms.

The Regulatory Services Manager noted that:

- Planning history is a material consideration as set out in page 2 of the report. Has been refused before but 20 years ago. Nevertheless strikes a reasonable balance.

Cllr Holmes proposed refusal of the application due to over intensification of the site and highway safety and concerns regarding the trees.

Cllr Baguley seconded the proposal.

A Member commented that the bedroom sizes were reasonable by today's standards.

A Member raised concerns regarding overcrowding and the size of houses. And also that there had been no comments from the education authority.

The Regulatory Services Manager advised that it is below the threshold for developer contributions. And confirmed the reasons of refusal as being – adverse impact on the character of the area and street scene and over intensification.

Cllr Holmes added highways concerns.

The Regulatory services Manager advised that highways concerns could only be a secondary reason as Highways has no issues with the application.

Cllr Holmes still wished this to be added to the reasons for refusal and Cllr Baguley as seconder agreed.

A vote was taken. 8 Members voted for refusal and 3 Members voted against refusal. Cllr Cumbers asked for vote against refusal of the application to be recorded.

DETERMINATION: That permission is refused for the following reasons:

- **Over intensive development ,including the loss of protected trees, which would have an adverse impact upon the character and appearance of this open area**
- **New accesses would generate additional traffic and vehicle manoeuvres on Queensway and Dalby Road and close to the Queensway/Dukes Road junction , to the detriment of highway safety**

(5) **Reference: 16/00874/FUL**
 Applicant: Mr and Mrs Bembridge
 Location: Woodville 4 Daliwell Stathern
 Proposal: Demolition of bungalow and replacement with 2 storey property

(a) The Planning Officer stated that: This application is a resubmission of a previous application 16/00426 which members will remember from planning committee of 29th September 2016, at which the application was refused. That application is the subject of an appeal.

The application site is within Stathern Conservation Area and proposes to remove a single storey brick bungalow and replace with a 2 storey dwelling. Since the previous refusal of the scheme the applicant has taken on board the comments of both the neighbours and the members of the planning committee and have opted for a more traditional design, using bricks that are found locally to the site.

The proposal has retained an element of the wooden cladding of which is the applicants personal preference, but this has been scaled down significantly as per the comments raised during the previous application.

The committee are invited to consider whether this amended proposal is more in keeping with the surrounding conservation area and whether it overcomes the previous reason for refusal.

There are updates to the report, it is noted that on the front page of the committee report, it states that there is no relevant planning history, this is an error, the planning history is the previously mentioned application 16/00426 which was for the demolition of bungalow and replace with 2 storey property.

This was refused at planning committee on 29 September 2016 for the following reason

“The proposal by means of design, height, scale and materials would be out of

keeping with the area and would appear overbearing in the street scene. It would have a detrimental impact upon the character and appearance of the Conservation Area and the setting of the adjacent listed building, therefore not complying with saved Policy BE1 of the Melton Local Plan and the NPPF with particular reference to chapters 7 and 12.”

It is considered that this revised proposal meets the requirements of the Boroughs housing needs in providing a modest three bedroom accommodation and is of a design that both sits well and reflects that of its surroundings, in a sustainable village.

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

There have also been 1 additional letter of objection and 2 additional letters of support since the report was published, these raise no additional concerns to the matters raised and discussed within the committee report.

It should also be noted that Mr Richards whom is speaking tonight asked for members to view the application site from his property as part of this application process, however members had already visited Mr Richards’s property and viewed the application site from his garden previously.

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

- Within a conservation area on elevated plot.
- Overbearing in the street scene and doesn’t fit in.
- Changes to the proposed materials are an improvement.
- Near the curtilage of a listed building.
- Two storey section of the property may fit better at the eastern end.
- More cars manoeuvring.
- Not adding to housing stock.

(c) Hannah Bembridge, the applicant, was invited to speak and stated that:

- Family home which is environmentally friendly.
- Submitted a new design based on addressing concerns.
- Amended materials and increased size of windows making it more traditional.
- Garage roof has been lowered.
- Removal of conifer which is taller than the proposed garage.
- Shortfall of two bedroom properties.
- Sought planning guidance prior to purchase.
- No windows fall on listed building.
- Support from 5 households, some of which had previously objected.
- Support from Ward Cllrs and Parish Cllrs.

A Member asked for a point of clarification that it would be a 3 bedroom home.

(d) Cllr Byron Rhodes, Ward Councillor for Long Clawson and Stathern, was invited to speak and stated that:

- Should bear in mind the previous application which was overbearing and proposed inappropriate materials.
- With the changes it is now more suitable.
- A bungalow may have been better but that is subjectivity.
- Adequate parking spaces.
- Parish Council were of a split opinion.

The Chair asked the applicant if they would withdraw their appeal regarding the refusal of their previous application if this one was allowed.

Mrs Bembridge replied that she didn't know and hadn't considered it.

Cllr Baguley proposed to permit the application as the design is subjective and the applicant had done their best to meet concerns.

Cllr Simpson seconded the proposal.

Cllr Glancy offered her support however she added that she was concerned about growth and asked if the permitted development rights could be removed.

The Chair confirmed that this was condition 7.

A Member raised concerns regarding the proposed materials.

The Chair advised that the report refers to mellow brick.

A vote was taken. The Members voted unanimously to permit.

DETERMINATION: Grant permission in accordance with recommendation .

(6) **Reference:** 16/00672/OUT
 Applicant: Mr Thomas Miles
 Location: Miles Nursery, Brooksby Road, Hoby
 Proposal: Proposed erection of occupational dwelling, together with associated garaging, parking provision and vehicle turning area

(a) The Planning Officer stated that: The following application is for outline consent for a single dwelling within the Miles Nursery between Hoby and Brooksby. This dwelling has been put forward as a dwelling in connection with a rural enterprise

where specific planning polices apply which has been outlined in the report. The results of an independent financial appraisal do not demonstrate an essential need for this dwelling in what is an unsustainable location between two small villages with limited facilities. It has been noted that the applicant wishes this dwelling to be for security of his premises but these are not planning reasons that override the principles of sustainable development which is enshrined in planning policy both centrally and locally. Therefore this application is recommended for refusal.

(b) Cllr Angus Walker, on behalf of Hoby with Rotherby Parish Council, was invited to speak and stated that:

- Had been difficult for the Parish Council to consider.
- Generally supportive of Miles Nursery as it is an effective rural industry.
- Understood why applicant needed a new dwelling.
- Not detrimental to neighbourhood.
- Concerns for future. If business closed down or moved there would be a new dwelling on a rural site.

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

- Flourishing business.
- Good for local economy.
- Applicant needs to live on site for security.
- 35 recorded incidents of crime. There are more but they weren't all reported.
- Position of the dwelling is supported by the NPPF.

The Regulatory Services Manager advised that there had been an agricultural appraisal and that the need for the dwelling had been questioned as well as how the new dwelling would be financed.

Cllr Chandler proposed to approve with condition that the dwelling is tied to the business. She added that we should encourage agricultural businesses. Appraisals look at the business but not an applicants private means. It is imperative to live on site for security reasons.

Cllr Wyatt seconded the proposal.

Members offered their support and sympathy with regard to security issues.

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

DETERMINATION: Grant permission with condition to permanently tie occupation to the operation of the nursery business.

PL67. URGENT BUSINESS

Cllr Baguley noted that the committee should be considering the size of dwellings, with regard to having space to accommodate elderly relatives in accordance with recent Government information.

The Regulatory Services Manager advised Members that they had received notification of an appeal decision regarding the detached garage at Eastcote, 91 Grantham Road, Bottesford. The appeal had been dismissed, which upheld the Members previous decision to refuse the application.

The meeting commenced at 6.00 pm and closed at 7.51pm