



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

6 August 2015

PRESENT:

J Illingworth (Chair), P Baguley,
G Botterill, P Chandler, P Cumbers, P Faulkner,
M Glancy, E Holmes, P Posnett

AS SUBSTITUTE

L Higgins for J Simpson (Vice Chair)

Solicitor to the Council (HG), Head of Regulatory Services (JWO),
Applications and Advice Manager (JW), Administrative Assistant (AS)

D18. APOLOGIES FOR ABSENCE

Cllr J Simpson (Vice Chair) who was substituted by Cllr L Higgins

Cllr Wyatt

D19. DECLARATIONS OF INTEREST

There were no interests declared.

D20. MINUTES

Minutes of the meeting 16 July 2015

Cllr Holmes requested an amendment to Page 43 of the minutes regarding application 14/00777/FUL. The minutes stated that there was no seconder to Cllr Holmes' proposal to refuse the application. Cllr Holmes stated that Cllr Botterill had actually seconded the motion.

Cllr Botterill confirmed this to be correct and other Members agreed this fact.

The Committee voted in agreement. It was unanimously agreed by the 8 Members,

that were present at the previous meeting, that the Chair sign them as a true record.

D21. SCHEDULE OF APPLICATIONS

- (1) **Reference: 14/00477/OUT**
Applicant: Eric's Fuels Ltd
Location: Land Adjacent 61 Main Road, Kirby Bellars
Proposal: Outline planning for anaerobic digester and up to 49 associated homes – including new site access
- (a) The Head of Regulatory Services stated that: No updates to report. The application is considered to be in an unsustainable location and contrary to many policies, national and local. However, it does present some advantages so there is an element of balance to adjudicate – affordable housing, low carbon housing and a contribution to housing supply. However this is countered by a series of issues that weigh against the proposal, in addition to the location it is deficient in several ways and has met with objection from Highways, Archaeology and, unusually, the Waste Disposal Authority. It is considered that the latter significantly outweighs the former and refusal is recommended.
- (b) Cllr Alan Batten, on behalf of Frisby & Kirby Bellars Parish Council, was invited to speak and stated that: the development would -
- Have an adverse impact.
 - Be an Environmental disaster.
 - Not preserve the current quality of life enjoyed by residents.
 - Be a Commercial enterprise with no benefit to the community.
 - Cause increased traffic due to an unknown number of HGV's delivering waste, as well as to the new dwellings.
 - Cause an increased risk of accidents due to the busy road.
 - Damage the integrity of the village.
 - Be unsustainable and untenable.
- He also raised concerns regarding the potential pollution, odour and noise of the development and felt that the proposed shop would not be viable.
- (c) James Botterill, agent for the applicant, was invited to speak and stated that: He had brought David Jones, a colleague, to answer any technical questions. He explained that the development would:
- Be creating a new anaerobic digester, which would use green waste and would reduce methane.
 - Be forward thinking.
 - Create fertilizer at the end of the process.
 - Be a carbon neutral development and has benefits over wind power.

- Use green waste to power and heat homes through the digester.

He added that the benefits would be huge to Melton Borough. This is an outline application and any concerns regarding noise and odour would be addressed in the detail if the principle of the application was approved.

Cllr Holmes asked for clarification of how the odour could be contained if lorries were arriving with raw waste.

David Jones responded that the lorries would enter into a building with odour technology. Anaerobic means without air so the digester is totally sealed. There was odour with old fashioned systems but with the new technology there is no odour. There are anaerobic digesters 350 worldwide and they don't smell. He also invited Members to see a current running site.

Cllr Glancy asked for clarification of how many vehicles would be bringing waste in per day.

David Jones responded that he thought there would be about 2 to 3 per day.

Cllr Glancy asked for further clarification of how many vehicles would visit the visitors centre per day.

James Botterill responded that it depends on the popularity of the development but that the vision is to demonstrate to the public and schools how it works.

Cllr Botterill asked if the anaerobic digester can kill black grass seeds.

David Jones replied that the grass seeds come from agricultural land in the first place. He added that people do believe that the digesters kill the seeds but could not confirm this as a fact.

Cllr Botterill stated that farmers are using digesters to kill black grass and would like further information regarding this.

David Jones responded that he would seek to provide further information.

The Head of Regulatory Services asked if they would be seeking to take Melton Borough Council's green waste and using this for the digester.

James Botterill commented that they would like to but is aware that the Council already has a signed contract in place.

Cllr Holmes asked for further clarification regarding the number of lorries per day.

James Botterill responded that there had been a traffic assessment and that the number of vehicle movements had gone in to report, however there were some assumptions.

(d) Cllr Hutchinson, Ward Councillor for Frisby On The Wreake, was invited to speak and stated that:

- First impression was of an exciting opportunity with a reasonable benefit to the Borough.
- The reduction of travel for the green waste would be of benefit to the environment (some of it currently goes to Norfolk).

However he also had concerns which were:

- It's outside of the village envelope.
- It's a greenfield site.
- The residents had concerns regarding - smell and noise.
- The increased volume of traffic especially HGV's.
- The connection to the sewerage system but he had been assured that it will not be connected and that the Flying Childers may be transferred to the new one, which will alleviate current issues.
- The traffic junction in Kirby Bellars.

He added that he felt there had been an unfair hearing by local residents.

The Head of Regulatory Services asked how dependent the project would be on Melton Borough's waste as Melton Borough Council are tied in to a contract.

Cllr Posnett commented that she would need more details to really understand the project before she could support it. She had concerns regarding lack of public transport and the increased dangers to pedestrians and cyclists along the road. There is no archaeology report. She didn't feel that it was a truly eco project.

Cllr Holmes stated that we have to move on and look at green energy. She felt the proposal was exciting and ticked many boxes. However, she agreed with Cllr Posnett regarding the road issues. The smell issue needs to be addressed.

Cllr Chandler proposed refusal on the grounds set out in the report.

Cllr Higgins seconded the proposal. He added that he felt the Waste Authority and Highways Authority opinions were important to the decision. It is the incorrect site and location for this type of development.

Cllr Faulkner agreed that it was an excellent idea but in the incorrect location.

Cllr Botterill added that in principal it is a good idea and we do need to protect environment and resources. We should utilise waste within the area once the waste management contract is up. The location is not ideal with regards to traffic.

Cllr Cumbers added that the application was forward thinking but not in the right location due to the concerns regarding the road and junction. She felt the application was exciting and hoped to see more in future. She hoped the applicant could find a more suitable site.

A vote was taken. 8 Members voted in favour of refusal and 1 Member voted against refusal. There was one abstention.

Cllr Holmes added that we must think green and the Chair expressed his disappointment at the Committee being unable to support the application. He hoped to see a better application come forward.

DETERMINATION: Refused, for the following reasons:

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location creating an isolated community. The development is in an unsustainable location where there are limited local amenities, facilities and bus services and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient benefits arising from the proposal to outweigh the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles" contained within Para 17 of the NPPF.

2. The proposal, if permitted, would result in the creation of a new vehicular access onto a Class I road in a location where traffic speeds are generally high and the increase in turning traffic in such a location would not be in the best interests of highway safety and would be contrary to Policy IN5 of the 6Cs Design Guide.

3. The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 & Policy IN6 of the 6Cs Design Guide seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 and the 6Cs Design Guide reflects Government guidance contained in the NPPF.

4. The proposed development would be managing the waste further down the 'waste hierarchy' than is currently taking place; this would be contrary to the requirements of the National Planning Policy for Waste and the Waste Management Plan for England. It has not been demonstrated that: the proposed anaerobic digester is necessary in this more dispersed location (outside of the main urban areas); this location would bring about transport benefits through proximity to the principal arising and/or output destinations; and there is an overriding need for the anaerobic digester. Accordingly the proposed development is contrary to the provisions of Policies WCS3, WCS14, and WDC5 of the adopted Waste Core Strategy & Development Control Policies document.

5. Insufficient information has been submitted by the applicant for the Local Planning Authority to be able to assess the impact the proposed development will have upon buried archaeological remains. This is contrary to the NPPF "Conserving and Enhancing the Historic Environment" paragraphs 129-133 which state that it is reasonable for the planning authority to request the developer arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken and policy BE11 of the adopted Melton Local Plan which seek to prevent development if proper evaluation of the archaeological implications has not been undertaken.

**(2) Reference: 13/00856/FUL
Applicant: Mr M Enderby
Location: 26 Boyers Orchard, Harby
Proposal: Erection of a two bedroom dwelling**

(a) The Head of Regulatory Services stated that: The long running application returning after postponement earlier in the year for additional scrutiny relating to the accuracy of the plans and the details of the proposal.

The plans (displayed) have been checked on site by our surveyor and latterly by him and he confirmed they are accurate. They show the house in the correct place and its dimensions are commensurate with the concrete base on the site. So finally we believe we have an accurate baseline from which to make assessment.

The planning issues relating to this site concern the impact of the house in terms of its compatibility with its surroundings and issues of residential amenity. Permission already exists for a house on the plot dating from 2009 so the principle is established.

In respect off design and compatibility issues:

The height is 195mm higher than the house in Boyers Orchard. This has been questioned as it relates to FFL and it is correct to identify 3 brick courses need to be added, so 400mm (just over 1ft)

The design of the house – more traditional than its surroundings and proposes a rendered finish. Its immediate surroundings are all brick but there are numerous examples of render in the wider area. The applicant has advised that he would accept a condition requiring it to be finished in matching brick.

The dwelling has an unconventional roof shape, not the simple dual pitched roof we are familiar with.

Our view is that whilst it displays some differences, the house is in a recessed position and will be afforded only fleeting views for public vantage points, from Boyers Orchard because of the other houses and from Gas Walk by vegetation. It is considered that in this context, such variations would prevent the house from

appearing incongruous and out of keeping, but it is agreed that it would attract less attention if finished in brick.

It is therefore recommended for approval and the Committee is invited to consider further the issue of brick compared to render.

(b) Chris Edwards, on behalf of the objectors, was invited to speak and stated that: he wished to express his thanks to Mr Worley for his prompt responses to emails.

- The original proposal was set right back in the corner of the plot.
- Plans from 2006/07 don't show the true aspect of the property as he has had a large extension on his own property, which is not shown on the plans.
- Footings were put in before permission was granted.
- Would like the proposal turning 180 degrees so the property is not looking in to his kitchen window.
- Brick would be better than render.
- Concerns regarding the roofline.
- The electricity board are coming and trimming trees down on Gas Walk which will expose the house even more.

Cllr Chandler asked which property Mr Edwards lives in.

Mr Edwards responded number 28.

(c) Jonathan Neale, on behalf of the supporters, was invited to speak and stated that:

- He is a resident of Harby Village.
- The ridge height has been reduced.
- Access to the property is adequate and they would create 2 parking bays.
- The plans have been re-measured so they are accurate.
- Suggestions of an L shaped house are a matter of opinion not fact.
- Drainage issues have been addressed by Severn Trent and approved.
- The fence will only be moved temporarily whilst building works are being completed.
- There are more supporters than objectors.

Cllr Higgins asked how many supporters there are.

Jonathan Neale responded that the vast majority of residents can't see why the application hasn't been passed.

Cllr Baguley, Ward Councillor for Long Clawson and Stathern, confirmed that there were 10 letters of support.

(d) Miss Edwards, on behalf of the applicant, was invited to speak and stated that:

- She had been brought up in the Vale of Belvoir and was the fiancée of the applicant.
- They had started the footings and drainage but realised it would not meet their housing needs.
- There have been seven different amendments to the plans over the course of 20 months and we have compromised on our dream.
- We would be willing to pay for parking improvements to help local residents
- It would be a character building to enhance area.
- There are only 2 objectors.
- The application adheres to planning rules.
- It would be an affordable house with a design to meet our needs.

The Head of Regulatory Services referred to Mr Edwards point regarding rotating the house 180 degrees and explained that because the house would be at 2 different levels, the lower part of the house would overlook Mr Edwards property rather than the higher part. He demonstrated Mr Edwards extension wrapping round the property displayed on the plan. He added that whilst the new proposal is nearer to his house than the current permission, it is still adequately far way in planning terms. This application attracted comment on peripheral issues but we must limit consideration to planning grounds e.g. design, access, materials etc.

Cllr Baguley commented that the applicants have made efforts to satisfy everybody. **Cllr Baguley proposed to permit** the application and that permitted development rights should be removed.

Cllr Holmes seconded the proposal.

The Head of Regulatory Services advised the Members that permitted development rights had already been captured as condition 7.

Cllr Higgins requested more information regarding conditioning the rendering.

Cllr Baguley responded that the applicant had asked to have the building rendered. In Harby there is a mix of rendering and brick houses which is part of the character. It would fit in, in either finish so not necessary to condition it.

Cllr Holmes added that it is a dark area and felt rendering would make it look brighter.

Cllr Higgins commented that he supported smaller housing types in rural areas.

Cllr Chandler noted that condition 3 in the report, leaves it to negotiation with the planning department regarding the materials used.

The Head of Regulatory Services confirmed condition 3 captures the roof as well as the rendering.

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

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

It is considered that the proposal has been designed to have minimum impact on adjoining properties, is appropriate in design to the streetscene and is acceptable in terms of highway safety. Located within the village envelope the development is considered to be in a sustainable location and meets the requirements of the NPPF and also provides housing to meet identified housing need.

D22. 15/00201/FUL: LAND ADJACENT TO 23/24 GLEBE ROAD, ASFORDBY

Applicant: Talavera Estates – Mr J Chastney
Proposal: Construction of 15 dwellings and associated road

(a) The Applications and Advice Manager stated that:

This report is presented to Committee as it has been established that the correct notification procedures were not adhered to due to an IT issue when the application was reported to the last Committee. The application should therefore be given additional consideration to allow a registered speaker the opportunity to address the committee in line with procedures.

This application seeks permission for the erection of 15 dwellings on the edge of Asfordby Hill on a greenfield site outside the village boundary. The proposal is for 100% affordable housing and has been applied for as an exception site. The 15 dwellings would be accessed from Glebe Road with a single point of access and turning head. The application proposes a mix of 1, 2 and 3 bed dwellings including bungalows, 2 storey dwellings and a maisonette.

There is a further comment from a resident of Glebe Road: Concerned about the access road to the site whilst under construction and after completion as Glebe Road is a tight street and I already find it difficult to pull on and off my driveway because of parked cars on the street which makes it very tight to manoeuvre and sometimes I cannot get on the drive at all. I fear that these plans would make it even more difficult for me to gain access to my driveway and the street during and after construction as the road would be even busier due to more properties on the street. I am sure this will be the case for neighbouring properties on the street too. Even without cars parked it is very tight and I feel access to the construction site would be very difficult and I think there is the potential for vehicles to get stuck during busy times. I am also concerned about losing the lovely views of the countryside and what effect this would have on house prices,

although I am sure this will be much worse for the neighbouring houses at the bottom of the road who currently live right next to the fields. I feel very sorry for them in regards of these proposals.

The main concerns with regards to the proposal have been in relation to the access and concerns over Glebe Road, the relationship and impact on the adjoining properties particularly Houghton Close and the loss of/encroachment into the open countryside (reference to the area of separation).

This application does represent a balance of competing objectives and Members need to consider these in reaching a conclusion on the proposal. The loss of green field outside of the village envelope and impact on the rural village needs to be balanced against the positives of the provision of affordable housing and dwellings which meet an identified local need. Asfordby hill is considered to perform reasonable well in sustainability terms and the development has been assessed to provide adequate access and parking provision. In this instance it is considered that there are significant benefits of the proposal and the balancing issues of loss of open countryside and lack of open space provision is of limited harm and therefore the application is recommended for approval as set out in the report.

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

- There is insufficient space for passing traffic
- Parked cars sometimes block the road completely.
- Loss of amenity.
- Greenfield site and outside village envelope.
- Fails to meet Policy H8 as there is no exceptional circumstance.
- Not in keeping with the surroundings.
- Lack of community services.
- Cumulative effect on wider area.
- Residents support clear separation areas.
- Lack of playing space.
- Should remove bungalows from development.
- Should be landscaping to soften the development particularly close to fields.

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

- Acknowledged the importance of correcting the error.
- Concerns have already been addressed.
- There have been no new matters raised since the previous meeting.

Cllr Posnett asked if there was any alternative access to Glebe Road.

Mr Silcocks responded that the only access being proposed was via Glebe Road as it is the only access by car.

The Applications and Advice Manager addressed the concerns regarding access and width. Highways are in support and it meets their requirements and standards. There is no requirement for affordable housing but there is need for bungalows as part of the mixed housing scheme. With regards to access to the site there is a worn footpath in to the fields but it is not a definitive footpath. The fields are not owned or protected. There is a condition regarding landscaping on this proposal.

The Head of Regulatory Services commented that Mr Rabjohn's proposed conditions were not within the remit available through conditions and would be changing the proposal.

Cllr Holmes proposed approval of the application as no new information had been presented and there is a need for bungalows.

Cllr Chandler seconded the proposal.

Cllr Posnett commented that she wasn't a member of the Committee when the application was permitted. She agreed that there was a need for bungalows but had concerns regarding parking. She felt that the green wedge between Asfordby Hill and Asfordby Valley should be maintained.

Cllr Higgins agreed with Cllr Posnett and added that he would be abstaining from the vote due to not being at the previous Committee meeting. He also wished that developers would give more consideration to parking.

Cllr Baguley commented that she couldn't support the application due to the parking issues. She also agreed with Cllr Posnett regarding preventing villages merging.

A vote was taken. 7 Members voted in favour of approval. 2 Members voted against approval. There was 1 abstention which was Cllr Higgins and he asked for it to be a recorded vote. The application was therefore permitted.

DETERMINATION: That no change is made to the resolution of the Planning Committee upon consideration of the application on 16th July 2015.

Cllr Higgins was excused from the Committee Meeting at 7.28pm

D23. ARRANGEMENTS FOR SITE INSPECTIONS FOR PLANNING APPLICATIONS

The Head of Regulatory Services introduced the report.

Cllr Chandler commented that the constitution should not keep being amended. Objections and comments by the public are always fully addressed by the planning officers. The site visit timetable is good but we can't always keep to time due to traffic. The site visits shouldn't be amended due to the Parish Councils. **Cllr Chandler proposed** that the arrangements should stay as they are.

The Chair seconded Cllr Chandlers proposal due to logistical difficulties. If other people attended the site visits it would affect efficiency.

Cllr Baguley agreed. The site visit is not a Committee meeting and the Parish Council have plenty of opportunities to put their views forward.

Cllr Cumbers agreed and felt there could be no end to the visits if Parish Council's started pointing out vantage points. They are able to point these out in advance during consultations.

Cllr Glancy agreed and felt it would be a step backwards as the current process works. She suggested that the letters sent out to Parish Councils be adjusted to explain that they can point out vantage points prior to the site visits.

Cllr Holmes agreed, however she also commented that unfortunately Scalford PC and Waltham PC notifications get mixed up so they are not always getting the right to comment. She asked if the letters could be amended to 21 days to accommodate this.

The Advice And Applications Manager responded that if the Service is notified we can look into it and give the Parish Councils the correct notification and amount of time to respond.

Members of the committee raised concerns regarding the Parish Clerks passing information on. It was suggested that the letters were sent to the Parish Chair as well as the clerks, however the Chair pointed out that the Parish Clerks are deemed to be the point of contact.

The Head of Regulatory Services confirmed that the letter would be changed regarding suggestions of vantage points.

A vote was taken. The Members voted unanimously for the current arrangements to remain the same.

Determination: that no amendments are made to the current procedure for the conduct of site inspections.

D24. DEVELOPMENT CONTROL PERFORMANCE: 2015/16 QUARTER 1

The Advice And Applications Manager gave an overview of performance – slightly underperforming in Q1. Appeal record is very good.

Last report under these arrangements due to the changes to the Performance Management Framework. Will still be updated on appeals.

The Members of the Committee noted the report.

D25. URGENT BUSINESS
None

The meeting commenced at 6.00 pm and closed at 7.42pm