



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

21 February 2017

PRESENT:

J Illingworth (Chair), B Rhodes (substitute for Cllr Simpson), P Baguley,
, P Chandler, P Cumbers, J Douglas,
M Glancy, E Holmes, M Sheldon, J Wyatt

Solicitor to the Council (SP), Head of Regulatory Services (JW),
Regulatory Services Manager (PR),
Planning Officer (GBA), Administration Assistant (LR)

PL68. APOLOGIES FOR ABSENCE

Cllr Simpson – substituted by Cllr Rhodes.

PL69. DECLARATIONS OF INTEREST

Cllr Wyatt declared an interest on application 16/00898/OUT due to living on one of the streets affected. Will leave meeting while this application is discussed.

Cllr Rhodes asked for it to be recorded that he is a County Councillor.

PL70. MINUTES

Minutes of the meeting 02 February 2017.

Cllr Baguley proposed acceptance. Cllr Sheldon seconded.

A vote was taken. Members voted unanimously, excluding Cllr Rhodes as he was not present at the previous meeting, that the Chair sign them as a true record.

PL71. 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 dwellings

and

- 2) **Reference:** 16/00847/OUT
Applicant: Mr Monty Watchorn
Location: Fair Farm 33 Melton Road Waltham on the Wolds
Proposal: Residential development of up to 60 new dwellings, together with new areas of public open space, landscaping, access and drainage infrastructure.

The Head of Regulatory Services stated that:

Education

Have reconsidered their position and advise that the proposals both individually and more so cumulatively could not be accommodated on the basis of the funding requests originally lodged. This is because the school also require a School Hall which was not factored into the LEA's original request for contributions. They are able to make these requests because of their Academy status which means that the LEA does not control plans for expansion. The LEA advise that they need more time to work with the school to design how this may be achieved and calculate the contributions necessary for each development to facilitate it.

Severn Trent Water

There are serious concerns about the water supply in Waltham on the Wolds, about sewage/foul water disposal in the village. I have probed these and STW advise that the state of the sewerage system was taken into account in devising their comments but more constructively, that the impact new connections would be assessed and Severn Trent would undertake the necessary improvements. They have not commented however on the water supply issues that I posed and we have no understanding of its capability to serve the increased demand that the proposals would bring.

Recommend defer until we have an understanding of these issues.

Cllr Holmes proposed to defer the application. Every application needs infrastructure to be considered. Disagree with Severn Trent. Ask for application to be deferred to ensure everything is in place for both applications.

Cllr Botterill seconded the proposal to defer both applications. Can't proceed with conditions in current state.

A vote was taken. Members voted unanimously to defer applications 16/00793 and 16/00847.

DETERMINATION: Both applications deferred to allow for clarification of the education and water supply requirements

- 3 Reference: 16/00898/OUT**
Applicant: Mr P Chimento
Location: 88 Dalby Road Melton Mowbray
Proposal: Outline application for residential development and new access road off Dalby Road, serving: No.88 Dalby Road; No.74 Dalby Road and 7 new bungalows.

Cllr Wyatt declared a personal interest and left the room for this item.

The Regulatory Services Manager outlined the key points to be considered in the determination of this application.

It is outline application for 7 detached bungalows on this site. Proposed access off Dalby Road, next to no.88. There is considered to be sufficient amenity space for no 88 following development. Condition included to restrict height of buildings to single storey if granted permission. The layout is to be considered as part of the application at this stage, it is not an indicative layout.

Advised that the history reported in the agenda was incomplete. In 1997 planning permission (ref 97/00671/FUL) was refused for development of this site, with access off Swale Close.

Noted that the current proposal is a relatively low density scheme and all bungalows, which relates better to neighbours than earlier proposals.

Additional representations have been received since the publication of the agenda:

One in support, citing the need for bungalows

Two objections, expressing concerns about the difference in levels between the site and neighbours and stating that the proposal is no better than previous schemes which have been refused.

Richard Ingram, objector, was invited to speak and stated that

- Resident for 14 years
- Narrowing of Dalby road opposite junction of drive
- Not against dwellings themselves, but to the reduction of road width
- Already hazardous at peak times/ school times

- Non residents/ parents park here
- Visibility obscured due to high hedges and fences
- Many pedestrians, scooters, cyclists on path instead of road have no consideration for vehicles leaving The Drive.
- Nobody yet injured but could be potentially.
- Already ensure heavy vehicles up and down Dalby Road all day – impact when road is reduced in width. 2.5m wide heavy load vehicles – not a great deal of room if two lorries are passing.
- Reducing width would create danger to road users, pedestrians and cyclists.

A councillor asked for clarification on the narrowing of the road – where from. This was not pointed out on site visit.

The Regulatory Services Manager checked plans; proposed access into application site is a bell mouth junction onto Dalby road and provision of narrow footpath of 0.3m therefore does slightly reduce width of carriageway. To provide safe access into site, visibility splays.

The councillor commented that it looks as if it is narrowing right along to south on the plan

The Regulatory Services Manager stated that think it is only small portion – to improve visibility they are trying to bring road junction further to middle of road for improved visibility. Area to north and south immediately is where new pavements are being provided. Away from that are existing payments.

Richard Cooper, agent for the applicant, was invited to speak and stated that

- Site was identified as suitable for development in 1999 local plan and emerging local plan.
- Client is owner of 88 Dalby Road. Site lies beyond his own garden therefore keen to avoid overdevelopment.
- Small scheme of bungalows in the interest of not overdeveloping
- Planning consultation process – objections from residents - client met with residents
- Highways satisfied with access as it will assist low traffic speeds and for pavement to be increased – benefit.
- Want to point out that width is no less than other sections of Dalby Road.
- Proposal is for single storey dwellings which will not affect properties. Safeguarded by S12. Boundary details can be supplied at REM stage.
- Ecology – retention of existing trees welcomed.
- Drainage strategy has suds drainage principles – will improve condition 11 / current drainage
- Highly sustainable and will benefit housing demand.

A councillor asked with regards to separation distances – 23 metres required. Bungalow on west looks closer than that.

The Regulatory Services Manager confirmed upon checking that this appears to be 21 metres.

A Councillor commented that is 2m under the required distance. So much is good about this application however. Shall listen to debate.

A Councillor asked with regards to steepened height/ water runoff – report unclear – how will area be dealt with – gardens won't be correctly drained – over time gardens at back will have water problems.

The Chair commented that drainage would be dealt with at reserved matters stage.

The Regulatory Services Manager confirmed that there is a drainage strategy and details will be checked at reserved matters stage.

A Councillor stated that from site visit there seems to be concern about soil slippage and water drainage. Is there any provision to make sure that slippage is stopped/ avoided?

The Regulatory Services Manager stated that – two aspects – appears to be filled land, no evidence of potential slippage. Two ways to overcome this – building regulations – pilings/ footings secure. Gardens – condition relating to condition – can be expanded to refer to retaining walls. Not unreasonable to include a condition if surveys indicate they are necessary.

A Councillor requested for this to be included.

Cllr Cumbers proposed approval of the application. Unhappy that that soil was tipped there. You can see fences at Dovedale Close have rotten/ wet patches. If that can be addressed there are a lot of good points to this application. Don't want situation made worse than it is already. Soil must have settled by now compared to 1997 but would like assurance that conditions wont be made any worse and potentially improved.

Cllr Holmes seconded the proposal to permit the application adding that it is essential to include the above condition.

Cllr Cumbers added that the proposal to permit is on the assumption that a plan can be put in place for this to protect slippage that might occur. Pleased that the application is for bungalows. Need assurances for safety.

A councillor commented that willow trees could be planted to absorb water as an alternative to brick walls or stones.

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

DETERMINATION: Approved as per the recommendation set out in the report, with

an additional condition relating to retaining wall or bund on boundary with properties in Dovedale Close, for the following reason:

The application to build six dwellings on a former greenfield site is acceptable give that no unduly adverse impacts have been identified and that adequate access and parking can be accommodated. The site sits within close proximity of Melton Town Centre and is considered to be a highly sustainable location and adequate parking and access can be provided. It is considered that the sustainable location and supply of seven single storey dwellings to the Borough's housing supply are material considerations of significant weight in favour of the application.

It is considered that balanced against the positive elements are the site specific concerns as raised in representations, particularly concerns regarding flooding, access and harm to the amenity of existing occupants of nearby residential properties. However it is considered that these are at acceptable levels and/or can be mitigated through the use of conditions and as such their weight can be limited.

On the balance of the issues, there are significant benefits accruing from the proposal when addressed as required under the guidance of the NPPF in terms of housing supply. It is considered that the development of the site is of limited harm in this location and therefore the application is considered to comply with the development plan

- 4) Reference: 16/00811/OUT
Applicant: Mr A Harvey and Mrs D Towler
Location: Field OS 7952 Church Lane Hoby
Proposal: Construction of 5 dwellings including new access**

Full application to erect 5 dwellings (4x 2 bed, 1x 3 bed). No additional comments received. Site is not within the village envelope and not within the Conservation area, which it abuts.

No additional comments received.

LCC Tree Officer has assessed the representation submitted by the Parish Council to serve a TPO on trees at the site. It is concluded from the report that serving a TPO for all the trees may be considered reasonable

Cllr Wheeler was invited to speak on behalf of the parish council and stated that

- Parish council in agreement with refusal
- Hoby is a rural area – unsustainable
- 2 Church Lane had planning permission refused.
- Site is outside of village envelope in the countryside
- Officer's report – will affect conservation area as well as listed building.

- Supporting comments for proposal are from people outside of the parish
- Not attractive to first time buyers
- Highways feel no significant impact on Church Lane however this is a dead end. Shrubs need cutting back. Private driveway – nowhere for turning.
- Approximately would cause an additional 35 movements per day
- Greenfield site outside of village envelope – valued over green space in village
- Two residents would be happy to purchase land and use as fields/ retain as pony paddocks.
- Ask committee to refuse in line with Officer's recommendation.

No questions from members.

Christine James, objector, was invited to speak and stated that

- Hoby is unsuitable location for development
- Contrary to NPPF
- No school, shop or employment opportunities, limited and unreliable bus service
- As seen on site visit, Church Lane is a narrow dead end.
- New access to development will be unadopted private driveway. Must be detrimental to highways safety.
- Negative effects on view, 5 modern dwellings perched on hill
- Officer's report has not mentioned topography – site is raised and Church Lane runs below Hoby House.
- Modern houses would detract from listed buildings and conservation area.
- Wider views considered, argue that harm caused by development is greater than identified in report.
- Clients willing to purchase land and preserve its condition.
- Council has 5 year housing land supply – no justification to grant permission in an unsustainable location such as this.

A Councillor asked regarding the narrow lane, could the speaker confirm if cars park down that road.

Christine James confirmed that yes cars park near the small cottages. No off street parking so residents have to park on the lane – this makes passing difficult.

Maurice Fairhurst, agent for the applicant, was invited to speak and stated that

- Detailed application – not outline, materials and design have been considered
- Applicants are local people that moved away for work commitments
- Family still live in village
- No significant trees to be felled
- Planning gain
- Pond is not ecologically significant but being retained regardless.
- Much in support in officer's details. No objections from highways, ecology,

drainage or conservation officer

- Page 5 of the report– conservation officer says new development in appropriate materials & form is acceptable. Prepared to consider materials.
- Proposal is not greedy – 5 dwellings to bolster housing supply. Two bungalows for older people, two semis detached two bed, and one detached family house.
- Local demand for these dwellings
- Layout preserves pond and trees
- Only real issue is that village has been classified as unsustainable
- Dwellings will contribute socially and economically
- Will help retention of services
- Site close to village centre
- No adverse impact
- Refusal is not positive or proactive as advised by NPPF.

A Councillor asked regarding infrastructure, report says the existing sewage and foul water disposal are at maximum capacity – top of page 5 – has that been taken into consideration

Maurice Fairhurst responded that Severn Trent Water are still considering, have not raised concerns. Unsure of who has raised that point – believe it is from Parish Council.

The Regulatory Services Manager stated that

- Parish Council refer to policy OS2 – is referred to in report – out of date policy – not referred to in reasons for refusal for this reason.
- Hoby House is a grade II listed building. It adds to character of Conservation Area and reasons for refusal.
- In terms of 5 year housing land supply, Inspectors have not rejected our position at appeals. Inspectors have not said we don't have supply; until found to the contrary assume we do have supply.
- It is a modest unsustainable settlement. It is considered there is a need to refuse to be consistent as recently refused single dwelling in same area. Also because of impact on conservation interests.

Cllr Chandler proposed to refuse the application. Feel Hoby House has not been given enough recognition in report. Don't think 5 houses will do anything for Hoby whatsoever. Unsustainable. Down a lane, very narrow, cannot see how lane can be improved. No off street parking – will have problem if remove the right to park there. Water supply not ring main – dead end water supplies. Fully support report.

Cllr Holmes seconded the proposal to refuse.

A Councillor stated that they were not impressed with the notion that it is an unsustainable village and that most people use cars anyway. That aside, this site seems to be unsustainable due to access being restricted. Support refusal.

A Councillor asked if these comments regarding access could be included in reasons for refusal.

The proposer and seconder happy to add that to their reasons

The Head of Regulatory Services stated that highways have not supported that view however.

Chair commented that it might not be good to include comments that are at odds with highways.

A Councillor commented that highways are required to look at the dimensions of roads – parked cars have not been taken into account.

A Councillor commented that there are so many older parts of villages with no off street parking. Only benefit to this is traffic calming.

A Councillor commented that if there is adequate land for more houses, why can't a car park be included to take cars off the road.

A vote was taken. 10 Members voted in favour of refusal. 1 voted against.

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. The development 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 Paragraph 17 of the NPPF.**
- 2. In the opinion of the Local Planning Authority, the proposed development would result in the erection of dwellings in a location which would be detrimental to the setting of the adjacent conservation area and for which there are insufficient public benefits to outweigh this harm. It is considered that the development would be contrary to the "core planning principles" contained within paragraphs 17 and 131-134 of the NPPF.**
- 3. Church Lane is a narrow road with limited off-street parking for existing residents. The additional traffic which would be generated by this development would have a severe impact upon highway safety on Church Lane, contrary to the advice in the NPPF.**

- 5) Reference: 15/00935/FUL**
Applicant: Giles Developments Ltd:- Mr Clive Giles
Location: Land to South of 1 Tilton Road Twyford
Proposal: Proposed 8 No dwellings.

The Planning Officer stated that

The following application follows a decision to defer from the 22nd December meeting to clarify matters on residential impact to 22 King Street, landscaping, highway safety and affordable units.

Please be advised also that as an update three objections were received following submitted amended plans not two as advised in report.

In response to the issues raised, the property closest to number 22 King Street as been moved further away and further landscaping will seek to reduce the impact of this property further. In addition to this a levels plan will also be submitted to see if digging in can take place whereby the properties will be reduced in height further but this will be subject to drainage restraints. Landscaping again will be conditioned with the ward councillor to seek the best scheme for this site. The road safety issues remain the same and the access has been deemed to be suitable with no accidents reported at this site. There is discussion about the validity being when there was roadworks on the site but the recording made closely align with what has historically been made on this that the LCC have on record. The site access and highway impacts arising from this site are not deemed to be severe as required by the NPPF. Finally, it has been agreed to open plots C-H to a housing association with a condition to be agreed with the ward councillor.

Annette Brown, objector, was invited to speak and stated that

- In December stated not against development on paddock
- Highways safety issues have not been addressed
- Appreciate dialogue that has taken place between Ward Councillor and applicant
- Busy motorbike route – additional traffic lane however applicant continues to state they will not take further action

Lance Wiggins, agent for the applicant, was invited to speak and stated that

- Clients have sought to work with ward member to address issues raised in December including highways
- All points have been considered by applicant and Highways Agency.
- County council says visibility splays exceed expected standards.
- Client does not want to go to appeal, has worked for 15 months with the Council to gain permission. Will have no option if this is refused and will seek costs.

- Applicant has revised boundary – also reduced in height to reduce impact.
- Design on plot B – no proposed windows on side near dwelling. Single storey garaging.
- Affordable – 8 dwellings is below national threshold and policy C4 of emerging Local Plan – however 6 dwellings are proposed to be shared ownership.
- Plot C to include semi detached housing to meet housing needs.
- Recall Cllr Higgins saying small properties are a rarity in the area.
- Proposed site is in village envelope where principle of development is acceptable.
- Weight given to old local plan should be limited.
- Unique opportunity to develop smaller accommodation.
- Hope members support Officer's recommendation to approve.

A Councillor expressed that presentation was good but do not appreciate threat of appeal.

Mr Wiggins referred to the fact that the application has been ongoing for some time. Second time at deliberations. Getting to point where previously advised clients to go to appeal. Clients want to resolve this without appeal. Refusal is against the advice of Planning Officers and Highways – therefore risk of it going to appeal.

A Councillor expressed displeasure with the implied threat of an appeal. The Chair commented that there is a difference between a threat and statement of intent which would result in an appeal.

Cllr Higgins was invited to speak and stated that

- Thank Members for deferral in December. Has allowed all interested parties – and immediately impacted residents to contribute.
- Officers and applicant have worked hard
- Has enabled some changes and mitigation to be put in place including broadband
- Application would be determined on balances of harm vs benefits
- Representations made to me and on Ward – have much needed 3 bed semi detached housing for up to 100 years.
- Some residents make strong representations for need of housing in order for them to stay in the village. Significant benefit.
- However, do recognise that impacted neighbours state loss of amenity as per objector's comments.
- One point of deferment – levelling, removal of permitted development rights. Broadband and delegated responsibility to the Head of Regulatory Services and Ward Councillor.
- Benefits of smaller housing supply, harm is to residential amenity. Larger housing not necessarily needed.
- As put forward by immediately impacted neighbours – understand need and demand, and reiterated that deferment has worked well to get this to a better state than when previously submitted.

A Councillor asked that as Ward Councillor the issue of materials would be coming to Cllr Higgins, asked if have ensured infrastructure is right.

Cllr Higgins responded that this issue would be left to officers as it is mentioned in report. Severn Trent Water have done a lot of work. In terms of mitigations – immediately impacted residents have asked for delegations with Ward Councillor to allow mitigating screening and materials.

The Planning Officer commented that

With regards to Highways, the right hand lane proposal is deemed as more of a safety issue due to increasing speed. When levels plan comes in – will see how they will be proposed in terms of being acceptable for drainage. If workable, levels will be decreased. With regards to materials, can ensure this is changed via conditions to have high quality design scheme for the site.

Cllr Wyatt propose to permit as main issues have been addressed for which the application was deferred last time.

Cllr Rhodes seconded the proposal to permit. Commented that this is a well thought out scheme with improvements. One point – speed of traffic on B6407 – need measures to deal with speeding - it is a matter of concern but not a concern for us on planning application. Think agent was unwise to introduce issue of appeals in representation. Good scheme, much needed affordable housing in village that will need it.

A Councillor expressed that they are happy to support the application but want to make it clear it is not to avoid an appeal and costs against the Council.

A Councillor asked for clarification on shared ownership and could this be conditioned as do not want it to be overlooked.

The Planning Officer stated that he will ensure this is conditioned with the Ward Councillor.

A Councillor expressed support of the application. Expressed reservations regarding highways and access point - where the access is coming out from is not too far away from bend coming from the south. Traffic could be fast, one or two problems there. Mix of housing is good.

The Chair expressed as Member that cannot support this application as not convinced to highways safety for both the bend in the road and the access point.

Vote in favour of permit with shared ownership added – proposer and seconder happy.

The Head of Regulatory Services stated that cannot impose conditions for affordable housing on schemes than less than 10 dwellings. Mechanism to secure but not imposing it.

A Councillor asked in light of comments about affordable housing and potential young families, is there any way to delegate to officers if it was thought that entrance could be altered.

Cllr Wyatt replied as proposer not happy to include this as think it would be difficult to achieve.

A vote was taken. 9 Members voted to permit the application. 1 voted against. There was one abstention.

DETERMINATION: APPROVED in accordance with the recommendation set out in the report, plus condition accepting Affordable Housing offer, for the following reasons:

The proposal is for a scheme where half of the eight houses will be two bedroom houses suitable for first time buyers and people on more modest incomes. Furthermore the Somerby Ward where this application sits requires 39.6% of properties to be 2 bedrooms therefore the scheme helps to meet evidenced local need as identified in the August 2016 study. Accordingly, the application represents a vehicle for the delivery of market housing for those new to the market of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Twyford 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.

The site, and Twyford generally, is considered to perform reasonably well in terms of access to facilities and transport links: those in the immediate vicinity. However, there remain deficiencies, most obviously in relation to 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 in a prominent location and the position in the Emerging Local plan, which would weigh against this proposal.

In conclusion it is considered that, on the balance of the issues, there are 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, impact on the character of the village and limited sustainability – are considered to be of limited harm, but it is accepted that this is a finely balanced case.

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.

6) Reference: 16/00904/FUL
Applicant: Buckminster Farms Ltd:- Mr Richard Tollemache
Location: Hall Farm Wymondham Road Garthorpe
Proposal: Construction of new grain store and drier.

Full application to erect a 1200 sq m grain store and drier.

Proposed drier will be approx. 4m higher than other existing buildings on site.
Proposed building will cut in approx. 3.6m to the ground and will be surrounded with bunds with tree planting on top. Details shown in presentation slides.

Cllr Botterill proposed to permit application, stating that it would be of considerable benefit to local roads in reducing traffic. Propose to permit with screening such as trees along road and hedge side.

Cllr Wyatt seconded the proposal to permit.

A Councillor expressed support of the application especially the addition of trees.

A Councillor expressed agreement with the proposition adding that there is a lot of activity at this site. Must take place if farming is to be encouraged. Trees might have to be a good height to screen efficiently.

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

DETERMINATION: APPROVED in accordance with the recommendation set out in the report plus condition requiring additional landscaping, for the following reasons:

The application seeks to build upon the use of the farm. This will be a more central location for the applicant's activities and would update the facilities for the farm, which are currently over 40 years old and do not match the current farm assured standards for long term storage and have insufficient ventilation. The proposed grain drier and store will be designed to be able to accommodate modern lorries and trailers. The impact of the traffic will be restricted mainly to the harvest time when such activities would be anticipated in the countryside and the Highways Authority have no objections. The NPPF supports rural economic growth. Accordingly the application presents the need to balance economic growth considerations with those of sustainable development.

The proposal is not considered to adversely impact on the character and appearance of the area, the residential amenities of neighbouring properties or highway safety and would represent an improvement from the previous use in terms of traffic generation and policy objectives.

PL72. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 7.39pm.