



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

1 December 2016

PRESENT:

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

Solicitor to the Council (SP), Head of Regulatory Services (JW),
Planning Officer (GBA) Planning Officer (JS) Administrative Assistant (LR)

PL48. APOLOGIES FOR ABSENCE

None.

PL49. DECLARATIONS OF INTEREST

Cllr Orson unable to speak with regards to Nether Broughton applications due to disclosary pecuniary interest. As a result no ward councillor to speak on the applications.

Cllr Botterill stated with regards to application 13/00256/FUL that the applicants are his neighbours. Legal confirmed that this is not a pecuniary interest.

PL50. MINUTES

Minutes of the meeting 10 November 2016

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

Cllr Higgins requested with regards to the Hecadeck Lane application that the emphasis of wording be shifted to reflect that he was conveying points of view of residents and not himself.

Proposer and seconder happy with amendments.

The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

PL51. SCHEDULE OF APPLICATIONS

- (1) **Reference:** **13/00256/FUL**
 Applicant: **Mr Craig and Neil Birch - A R Birch And Son**
 Location: **Station Farm Station Road Waltham on the Wolds**
 Proposal: **Amendment to installation of a single wind turbine with a maximum height to tip of 36.5m, a new access track, a hardstanding, a small substation building, temporary wind monitoring mast and associated infrastructure.**

The Head of Regulatory Services stated that late representations were received from the applicant as follows:

The reason for refusal cited is incorrect as it cites "*The application is not within an area identified as suitable for wind energy development within a Local or Neighbourhood Plan,*" which earlier the report explains is not applicable because the proposal should be considered under the 'transitional provisions' of the WMS, which does not include this aspect.

The Head of Regulatory Services commented that the application has seen the height of the wind turbine reduced to half due to negotiation.

Applicant has challenged reason for refusal as the reason given is incorrect in citing that the application is in an unsuitable area according to the local plan.

Cllr Holmes requested to defer the application in order to finalise details.

Cllr Cumbers seconded the proposal to defer. Would like more of an idea where representees live to see if they live locally to the site or affected by the application.

A councillor made reference to the penultimate paragraph of the application - no pre app consultation. References to local plan apply to old plan – not identified. Would like clarification at deferral.

Chair confirmed. Proposer and seconder happy to add.

A vote was taken. 10 Members voted in favour of deferral. There was one abstention.

DETERMINATION: Deferred to consider late representations on WMS from applicant and to offer clarification on pre application consultation requirements.

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

(a) The Planning Officer stated that

This is a full application for 10 new dwellings at 42 Main Road, Nether Broughton replacing the exiting Greenwood Stock Boxes Ltd building at this site, therefore a brownfield development. Due to the linear nature of the site, the properties will reflect this with all the properties facing Main Road, accessed by a separate access road. The houses themselves will be 2 2 bedroom properties, 2 3 bedroom properties and 4 4 bedroom properties.

As an update from the agenda the County Ecologist has confirmed she is happy with the findings of the newt at and bat reports. We are still awaiting sign off from the county ecologist on the written statement of investigation on archaeological matters and the decision will not be issued until confirmation is received.

Amendments have been obtained from the originally approved scheme. These include changing plot 1 to not affect the solar panels on the village hall as per the following diagram. The garden sizes have also been increased to improve amenity for the potential new occupiers. Members have also raised concerns on the impacts upon plot 1 and visibility however the response from Leicestershire County Council Highways is that the property is set far enough back not to cause an issue with visibility. Amendments to have boundary hedge have also been obtained and will be firmed up through conditions on landscaping. Furthermore, as there is generally a small amount of traffic from Chapel Street and drivers would take care coming from a minor road to a major A road due to expected volumes of traffic and speed of vehicles on the main road. Finally, there is no record of any Personal Injury Collisions at the Chapel Lane / Main Road junction.

Please note that we are awaiting confirmation of archaeological survey results and should approval be recommended, the decision will not be issued until these matters are confirmed to be acceptable. Finally there is also a contribution of £38,103.20p which the applicant has agreed to pay and will be finalised should this application be granted.

As the application is on a brownfield site, providing additional housing in an area which is relatively sustainable with good links to Nottingham and Melton that contributes to the Borough's housing needs. It is therefore recommended for approval.

Cllr Schmidt, on behalf of Broughton and Dalby Parish Council, was invited to speak and stated that

- Welcome news of 5 year land supply – applications considered on merits
- Do support principle of new housing
- Disappointed with applicants decisions to date
- NPPF requires developments to reflect local surroundings – 3 storey houses are not a feature of village
- Officers insisted in 2011 for windows not to face street
- Plot 1 – 3 storey 5 bed and study – plans lack clear dimensions. Had to use scale bar ruler and calculator.
- Plot 1 will dominate corner
- Close to village hall which is licensed for events and live music
- Developer has chosen town houses not in keeping with Nether Broughton
- Not enough details given ie brick colours etc
- In summary agree with new housing but would like developer to design in keeping with village, would welcome working with them

Members had no questions for Cllr Schmidt.

The Planning Officer confirmed that materials can be conditioned.

A Councillor asked for clarification why policy H10 has not been considered with regards to amenity area. No reference to it and it is a requirement.

The Planning Officer and Head of Regulatory Services confirmed that it has been omitted.

Cllr Cumbers proposed to defer the application.

Cllr Glancy seconded the proposal to defer. Asked if roof heights/ roofline could be reduced to lessen impact.

Cllr Cumbers confirmed that she is happy for this to be considered.

A Councillor asked that if the application is deferred would like situation with village hall discussed and the impact on the house to be built closest to it with regards to separation distance etc. Concerned about current and future issues to village hall.

Cllr Cumbers disagreed.

A Councillor requested deferral due to concerns about road safety. Also

commented that village hall amenity, would like reconfiguration of last house.

Cllr Cumbers did not disagree but requested legal confirmation on whether this is possible.

Legal confirmed can pose question and see what applicant says in response.

Cllr Cumbers confirmed would now like to include Cllr Holmes, Cllr Simpson and Cllr Glancy's requests in the reasons for deferral.

A Councillor asked for clarification the height of the buildings as the parish council said 3 storey. The Head of Regulatory Services confirmed that the application states 2.5 storeys.

A vote was taken. 10 Members voted in favour of deferral. There was one absence.

DETERMINATION: Deferred to consider design, play area, positioning of plot one and to seek assistance with car parking for Village Hall

(3)

Reference: 16/00373/REM

Applicant: Jelson Ltd – Mr Terry McGreal

Location: Field 0070 Station Lane Asfordby

Proposal: Proposed residential development for 100 no. units including all matters relating to appearance, layout and scale. Amended Plans - Plots 10-17 replacement of houses with bungalows and LEAP moved to existing play area off Glendon Close.

The Head of Regulatory Services stated that

Errata - page 1 - Applicant is Jelson ,not Davidsons

Update – Following consultation on amended plans the Parish Council has objected :

The development does not conform to the Asfordby Parish Neighbourhood Plan which has reached formal submission stage and is currently the subject of public consultation. As such it has acquired greater weight than at previous stages. Weight to be given to the Neighbourhood Plan is already addressed in the report (page 7)

The criteria within the plan which has not been adhered to is in policy A16(A) where it states that 12% bungalows is the requirement. Currently the proposal only contains 8% bungalows. In discussion with the LPA and having regard to the PC's request, the applicant has struck a compromise of replacing 8 s/d houses with 8 s/d bungalows ,while still providing 40% affordable.

The Parish Council would like Plot 6 to be one of the extra 4% of bungalows as this

is the house that is closest to the boundary with the existing estate. Plot 6 is a house with a blank gable wall about 20m from the rear of 7 South View (the nearest neighbour)

No additional responses were received from neighbours.

The application

Outline planning permission was granted in May 2016 for up to 100 dwellings on this site . The access was also approved at that stage. The principle of development is accepted and this application is for the details of the scheme . These are the design and layout of the houses. Landscaping has not been submitted and is subject to conditions on the outline planning permission

Following the submission of the original reserved matters the application has been amended to take into account, wherever possible , the concerns of neighbours and the Parish Council .

Sue Boyden, Parish Councillor, was invited to speak and stated that

- Request refusal of the application
- Appreciate Jelson's amendments however need 12 per cent of this development to be bungalows
- Village has an elderly and ageing population, approximately a third of residents are over age 65.
- Neighbourhood plan asked for greater separation – bungalows would help with this
- An additional 4 bungalows including 1 on block 6
- NPPF promotes social role – present and future generations should benefit
- Have reservations over parking layout and ongoing maintenance of land

Mike Hollingworth, objector, was invited to speak and stated that

- Object to amended plans for plots 10-17 as they do not solve the problem on South View
- Live at no. 7 - most affected by this development,. Have no windows to front of own house – only access to light comes from rear of property. No buffer between own house and site – will restrict access to light and privacy. Daughter is severely disabled. Believe a property build so close would cause blocking of sunlight for daughter affecting her quality of life.
- Plans are misleading and do not represent own house – much closer than shown on plans due to 16 yr old extension which is not illustrated.

A Councillor asked the objector to clarify the size of the extension.

The objector confirmed that it extends to at least 1/3 of the garden. Invite Members to visit site.

A Councillor asked what the required separation distance is

The Head of Regulatory Services confirmed that 20m is mentioned in report however

this does not include the mentioned extension.

Rob Thorley, on behalf of Jelson, applicant, was invited to speak and stated that

- Reserved matters – principle development is already established
- Screen to be provided between houses and bungalows
- Have considered parish council comments however principles of development are not appropriate at reserved matters stage
- Have made significant amendments to original proposal
- With regards to bungalows the requested 12 would reduce the affordable housing from 40 per cent to 30.
- Approach was discussed with Officers – amendment would have been contrary to local plan
- Upgrading of existing facilities included
- Layout meets all of Council's standards
- Distance – whilst distance may be 20m in the report policy requirement is 14m.

A Councillor asked if electrical cables had been taken into consideration.

The agent confirmed that no specific policy guidance stresses distance. Only thing is safety zones for safe working. Have tried to provide reasonable distance between pile ons.

Ronnie de Burle, Ward Councillor, was invited to speak and stated that

- Speaking on behalf of residents
- Residents not against development in principle
- Developer did confirm willingness to have 12 per cent bungalows
- shared concern for environment
- Asfordby has already provided many affordable houses in other developments
- Request deferral for 18 weeks so Asfordby neighbourhood plan can gain weight
- If approved tonight request to implement 12 bungalows/ affordable ratio of 40 per cent

The Head of Regulatory Services confirmed that policy A17 of the neighbourhood plan means that planning have to be responsive to revised measures of need. Ward Councillor and Parish Council have insisted on 12 per cent – queried what is point of policy A17 if already discarding it

The Ward Councillor responded that 12 per cent was arrived at by advisor following research on requirement for need.

The Head of Regulatory Services also commented that Jelsons have proposed buffer zone/ plantations between South View and Klondyke Way.

With regards to housing needs studies – do apply to borough but provides requirements for borough and Asfordby individually. 12 per cent has been amended to new figure as per page 8 of report. Must keep up to date with most recent information.

With regards to affordable housing – NPPF and adopted local plan (old one but this still applies) requires 40 per cent. This is unnegotiable as it is written into Section 106.

A Councillor commented that they were not comfortable approving the application with the existing issues.

The Head of Regulatory Services confirmed the options available

- Recommend to approve
- Rather than defer – if over 1 issue over 1 house plot – can delegate approval subject to negotiation on that plot
- Refuse

A Councillor commented that proposed amendment to existing play area is unsuitable for children due to its location on the edge of the site.

A Councillor commented that maintenance of area should be conditioned.

A Councillor also expressed concern about play area. Also concerned about plot 6 – don't know how far from existing house – uncomfortable making final decision.

Cllr Holmes proposed to defer the application commenting that updated plan should have been used by Jelson.

Cllr Glancy seconded the proposal to defer.

The Head of Regulatory Services clarified that the reasons for deferral are

- Plot 6 distances
- Bungalow and affordable housing mix
- Unacceptable play area
- Maintenance of the green

A vote was taken. 9 Members voted in favour of deferral. 1 Member voted against. There was 1 abstention.

DETERMINATION: Deferred to seek relocation of Play Area, more bungalows in

**preference to 40% affordable housing and reconfiguration of Plot 006
(relationship with South View)**

(4)

Reference: 16/00570/OUT
Applicant: Jelson Asfordby Phase II
Location: Field 0070 Hoby Road Asfordby
Proposal: Outline application for residential development (up to 70 dwellings) and associated infrastructure (all matters except access reserved for subsequent approval)

The Planning Officer stated that

This is an outline application for 70 new dwellings on Hoby Road, Asfordby adjacent to the previously discussed site here. The only matter for determination is access.

The proposal is recommended for refusal however on the basis of not being a designated allocation through our new local plan. Further weight has also been given to our opinion that we can justify a five year housing supply of land for housing where we are in a position to rely on to substantiate such refusals. Finally, not being an allocation through the neighbourhood plan further carries weight not recommending approval for this site.

Sue Boyden, Parish Councillor, was invited to speak and stated that

- Location has not been highlighted as acceptable on local plan
- Not sustainable
- No footpaths on Hoby Road which separates development from Asfordby
- Unsuitable for elderly residents
- Dangerous to have vehicles from 70 houses on surrounding road
- This plus another application of approximately 70 far too large

Jelson, applicant, was invited to speak and stated that

- Proposal would boost supply of new homes
- Clients propose high quality growth in sustainable location
- Concerned officers have recommended refusal on draft plan

A Councillor expressed concerns with power lines - would like Jelson to look into this

A Councillor asked if the applicant had done anything with regards to archaeological remains

The applicant confirmed yes and that nothing had been discovered on adjacent site. University of Leicester investigations ongoing.

Ronnie de Burle, Ward Councillor, was invited to speak and stated that

- Speaking on behalf of residents
- Against application – field not specified in local plan or neighbourhood plan
- Was not recognised as a piece of land for development
- Not needed as we have accounted for housing requirements in other areas
- Wet piece of land with ecological archaeological and other interests
- Not on vehicle bus route
- Access point poor – next to well used bridle path which is often used by walkers accessing the lakes.
- Request for application to be refused.

A Councillor expressed agreement with ward Councillor's comments.

Cllr Holmes proposed to refuse the application. Cllr Glancy seconded.

A vote was taken. 9 Members voted in favour of refusal. 1 Member voted against. There was 1 abstention.

DETERMINATION: Refused as per recommendation

(5)

Reference:

16/00563/OUT

Land between Saxons Lea and 18 Leesthorpe Road

**Applicant: Mr
Richard Lane**

**Residential development of a row of five terraced cottages
and a single detached dwelling.**

Location:

Proposal:

The Planning Officer stated that

Update – The agent has emailed the case officer and has offered that one residential unit within the terrace of six be designated as a “starter home” under the Government Scheme. This would mean that the unit would only be available for a first time buyer, under 40 years old sold initially with a discount of 20% off the market value. The purchaser would qualify for the Government backed “Help to Buy Scheme”.

No additional comments have been received from neighbours or consultees.

This village has been identified as having poor sustainability credentials. It is not considered that the proposed development and any benefits which may arise (including one “starter home” as proposed by the applicant) would enhance the sustainability credentials of Pickwell, and it is recommended that the application be

refused for the reason as set out on page 8 of the report.

Keith J Ebsworth, objector, was invited to speak and stated that

- Speaking on behalf of residents
- Concerns for road safety due to visibility from Somerby direction
- Accident risk leaving Saxons Lea
- Entrance narrows which makes passing difficult
- Refuse and emergency vehicles would have access problems
- Increased traffic etc will increase wear and tear on private road which affects residents due to cost.
- Drainage is an issue as field is 4 ft higher at the start reducing to road level.
- Widening of Saxons Lea would mean removal of existing trees and hedges which would also affect drainage.
- One property local to site already suffers from flooding
- Request application is refused.

James Brown, agent for the applicant, was invited to speak and stated that

- Application has been designed by land owner and agent who both live in Pickwell.
- Application is unanimously supported by Parish Council
- Highways raise no objections
- Ecology raise no objections
- Local plan considered out of date so limited weight
- New local plan still in preparation stage
- Asking application is considered under presumption of being sustainable
- Council recommend refusal but we believe Pickwell is more sustainable than other areas currently being developed
- Pickwell has a regular bus service, superfast broadband, Somerby primary school and GP surgery nearby.

A councillor asked the agent if flooding issues had been taken into consideration.

The agent confirmed that they had and that a buffer is shown on plan appropriately positioned.

Cllr Marlow on behalf of the Parish Council requested to speak.

The Chair proposed to suspend standing orders. Seconded by Cllr Holmes.

A vote was taken. Members unanimously agreed to suspend standing orders.

Cllr Marlow, on behalf of Parish Council, was invited to speak and stated that

- Area has superfast broadband, shared community centre and employment

- opportunities within the village
- Linked to Somerby by shared use
- Appreciate demand for housing in the borough
- Melton plan submission draft points 5.1, 5.2 and 5.5.6
- Proposed development is a sensible size and mix of housing for rural location.

Cllr Higgins, Ward Councillor, was invited to speak and stated that

- Lukewarm response from residents of Pickwell
- Somerby residents feel application is ideal however don't live as close to proposed site.
- Less than 1 mile to Somerby amenities connected by footpath
- Applicant has offered affordable housing which would allow for young families under age 40 – Somerby has demographic issue – need regeneration of younger people
- Have received many representations supporting this application as it meets demand for smaller housing
- Gives opportunity to demonstrate Council is reasonable
- If this application is approved it would allow for more affordable housing in future.
- Regarding drainage would appreciate further dialogue from officers.

A Councillor commented that they cannot support the application.

Cllr Baguley proposed to refuse the application as per recommendation. Cllr Chandler seconded the proposal to refuse.

A vote was taken. 4 Members voted in favour of refusal. 7 Members voted against. Proposal to refuse lost.

Cllr Wyatt proposed to permit the application. Chair asked if happy to delegate with conditions. Cllr Wyatt confirmed.

A vote was taken. 7 Members voted in favour to permit the application. 4 Members voted against.

DETERMINATION: Approved subject to conditions and a s106 to secure 1 starter home.

(6)

Reference: 16/00775/TCA

Applicant: Cllr Joe Orson

Location: Parsonage House 13 Paradise Lane Old Dalby

Proposal: Reduce and reshape T1 - T10 by varying degrees (0.5- 2m) to maintain suitable sizes for their locations.

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

DETERMINATION: Approved as per recommendation.

PL52. URGENT BUSINESS

None.

The meeting commenced at 6.00 pm and closed at 20.10pm.