

Minutes

Meeting name	Planning Committee
Date	Thursday, 30 November 2017
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors

P. Baguley	G. Botterill
P. Chandler	P. Cumbers
P. Faulkner	M. Glancy
T. Greenow	E. Holmes
J. Wyatt	

Observers

Officers

- Solicitor To The Council (SK)
- Head of Strategic Planning and Regulatory Services
- Planning Officer (JL)
- Applications And Advice Manager (LP)
- Administrative Assistant (KS)
- Business Manager (VC)

Minute No.	Minute
PL59	<p>Apologies for Absence Cllr Posnett</p>
PL60	<p>Minutes Minutes of the meeting held on 9th November 2017.</p> <p>Approval of the minutes was proposed by Cllr Holmes and seconded by Cllr Botterill. It was unanimously agreed that the Chair sign them as a true record.</p>
PL61	<p>Declarations of Interest The Chair (Cllr Illingworth) declared a personal and non-pecuniary interest in application 17/00596/FUL but had been legally advised this did not prohibit his participation in the discussion.</p> <p>The Chair advised that Cllr Orson would ordinarily speak on application 17/00596/FUL as the Ward Councillor but has a disclosable pecuniary interest.</p>
PL62	<p>Schedule of Applications</p>
PL62.1	<p>17/00997/OUT Applicant: Hazelton Homes And Mark Curtis Bennett - Mr Tom Hazelton Location: Field OS 3300, Oakham Road, Somerby Proposal: Residential development for up to 31no dwellings (re-submission of 16/00100/OUT).</p> <p>(a) The Head of Strategic Planning and Regulatory Services stated that: We have received a request for deferral from the applicant on the grounds:</p> <ul style="list-style-type: none"> • Absence of a response of the LLFA in terms of establishing any existing flood risk from ground water and surface water at the site. Given that the issues revolve around whether or not the Site is at any existing flood risk with regard to surface water and/or groundwater (and therefore whether the Sequential Test is potentially applicable), it is clearly important for the LLFA's position on that point to be known as they are statutory body responsible for managing the risk of flooding from surface water and groundwater in the area. • To consider the wider implication for the Emerging Local Plan if allocated sites are vulnerable failure of any Sequential Test not just in the Somerby site but potentially other sites within the Borough. <p>An objector has responded expressing the view that we have had sufficient time to consider the application, sufficient information has been provided and we are able to make a fully informed decision.</p> <p>The HoRS expressed the view that it is a close cut case. Whilst the LLFA would bring a further perspective we do not consider we are lacking in understanding, otherwise the report would not have been published.</p>

He commented that if we proceed:

- Applicants consultants advise that the site is not at risk of flooding from any source. This is a view shared by both the EA and the LLFA. On the basis that the site is not a risk of flooding, it clearly would pass any sequential test or approach applied to it.
- Application of the Sequential Test: The starting point is the NPPF, being a statement of government policy which was subject to consultation prior to its publication and, before amendment, requires consultation. PPG (which of course can be changed at any time), cannot usurp the NPPF; it is a guide to the application of the NPPF.
- We are dealing with “decision-taking” rather than plan-making. On “Avoiding risk” PPG states that, in decision-taking, LPAs should apply the “sequential approach” which “involves applying the Sequential Test for specific development proposals and, if needed, the Exception Test for specific development proposals, to steer development to areas with the lowest probability of flooding”. Clearly, on any interpretation of that paragraph, if the development passes the Sequential Test it accords with the sequential approach. This should be conclusive.
- “This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk”. Even if this is applicable to decision-taking the site is clearly, at worse and on the basis of the Third Parties evidence comprising photographs, at “little” risk of flooding from any source; we are not simply not at a significantly higher risk of flooding than other sites in Somerby.

Somerby PC

SPC maintain that this site is inherently unsuitable for housing development due to historic and continuing flooding and flood risk on and adjacent to the site. This flooding has been documented and photographed by residents and is explained by geological survey. The water table at this site and in the immediate surroundings is high (< 3 m) so the resulting flooding is due to ground water. The placing of housing at this site is analogous to dropping blocks of concrete into a full bath - it floods the floor, due to displacement - an example of Archimedes principal. The same will happen to building on this site forcing the same volume of water up from the ground as the volume of the developments total foundations. Thus increasing the probability of flooding downstream of the development as the letter by Farrow Walsh indicates the new development will itself be protected by raising floor levels, but makes no provision for neighbouring threatened properties.

Many of the authorities involved have based their assumptions on the Environment Agency maps. However the Agency admits that these may now not be accurate, especially in smaller localised areas. We have always maintained that this site should have NEVER been accepted by Melton Borough Council (MBC) as a SHLAA site on the grounds of flooding and flood risk, as it floods most years during the winter/spring. The National Planning Policy technical Guidance (NPPG) 2014 states that in areas such as these the Sequential Approach as distinct from the Sequential Test should be applied when drawing up possible development sites. NPPG. Para 18:

“This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk.”

This is to be achieved by applying the steps Assess – Avoid – Manage & Mitigate, in that order.

It is clear that the applicants are attempting to 'manage and mitigate' the flood risk by a Drainage Strategy which is based on a ditch that does not yet exist, a flow that is not yet measured, and block paving that silts up over 10-12 years in a rural area. We assert that it is the responsibility of MBC is first to assess and then avoid flood risk, regardless of any potential drainage strategy which may or may not arise in the future. In Somerby there are other sites which do NOT flood and on these grounds this site should be removed as a SHLAA site and any development at this site refused.

Additional objection:

An Urban drainage system is not suitable for a rural as permeability performance drops off dramatically in the first 8 to 10 years to point where normal rainfall will be passed through but storm falls will flood on the surface. The width of the gaps between the blocks makes little difference to the speed of the permeability reduction. Dirt from rural roads will cause the joints to fill and stop draining. The weakness of this application is the reliance on plans from Environment Agency and the Local Lead Flood Authority. E A say that their information is not address specific and the only reliable information is on site. The LLFA have said they were not going to update their maps.

(b) Cllr Lynne Camplejohn, from the Parish Council, was invited to speak and stated that:

- Lack of transport and employment opportunities
- Flood risk
- Unsuitable for development
- High water table
- Increase of flood risk on nearby properties
- Local Plan states 7.7 years not 2 year housing land supply in 2016
- 44 homes have been allocated to Somerby, along with other planning applications this proposal would take it to 104 which is more than double.
- Somerby floods regularly
- Drainage strategy is not adequate
- Other sites are available with lower flood risk

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

- Application is 20 months old and there has been an abundance of time for all evidence to be submitted and a decision to be made
- Resubmission is identical to original application
- 300mm standing water demonstrates risk of flooding
- Application is situated in the high risk area
- Highest ground water
- Site is worst and highest flood risk
- Other sites with lower flood risk are available
- Drainage strategy would increase flood risk to nearby properties

The Chair asked Members if they would suspend standing orders to allow the applicant to speak. It was unanimously decided that standing orders would be suspended.

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

- The location is Sustainable
- The development is in accordance with the emerging Local Plan
- It is in line with NPPF
- The site at no risk of flooding
- Site not within flood zone or drainage area
- No objection from the LLFA
- Environment Agency state that at sequential test is not applicable
- Not at risk of ground waste flooding
- If a full response from LLFA is appropriate ask that application is deferred
- No concerns from technical consultees
- Unqualified risk of flooding
- No risk of flooding on nearby properties
- Site is not higher risk

The Chair asked how deep the geophysical survey number is.

Mr May stated that it was 5-7m historically.

A Cllr asked what the date of the survey is.

Mr May stated the numbers are from the 50s/60s.

A Cllr asked if the LPA has requested a sequential test.

The Head of Strategic Planning and Regulatory Services confirmed that one had been requested following the conclusions of the report..

A Cllr had concerns that the ditches had not been cleaned out properly.

(e) Cllr Leigh Higgins, the Ward Councillor, was invited to speak and stated that:

- Powerful local knowledge
- Ground is slightly raised and rainwater flows down
- Site owner should have cleared ditches
- Sequential test needed to be done and reviewed
- Flooding concerns

The Head of Strategic Planning and Regulatory Services responded to points made by the Parish Council and stated that there is a requirement for 49 homes but 104 have been allocated, this is 2 sites and a reserve site. In terms of the SHLAA assessment, the measure applied to discount sites is whether it is in Flood Zone 3B however this site is in Flood Zone 1.

A Cllr was concerned that a sequential test had not been done and that there was a risk in refusing without having one.

The Chair advised that it was the applicant's responsibility to provide a sequential test.

The Head of Strategic Planning and Regulatory Services stated that a sequential test had been requested and advised that the Members could defer the application to allow one to be done, or refuse as it is a shortcoming.

Cllr Holmes proposed to defer the application in order to secure a sequential test and get everything right.

Cllr Botterill seconded the proposal to defer and stated it was pointless making a decision without a sequential test. The ditches are not maintained and there is a flood problem.

A Cllr stated that there is a serious flood risk despite a sequential test

A Cllr asked if the LPA were able to demand a sequential test.

The Head of Strategic Planning and Regulatory Services stated that the applicant can decline to submit a sequential test or challenge that one is required. It is concluded in the recommendation that a sequential test is needed.

A vote was taken. It was unanimously decided that the application should be deferred.

Determination: DEFER, to allow for the submission of a Sequential Test and its subsequent consideration.

PL62.2

17/01312/FUL

Applicant: Mr R Ogleby

Location: Land At Cottage Farm, 36 Main Road, Kirby Bellars

Proposal: Demolition of agricultural buildings and the erection of 3 dwellings.

(a) The Planning Officer (JL) stated that:

No additional representations/ late items received for the application.

The application seeks planning permission to erect three dwellings on the site. This will replace the existing agricultural building on the site, which is currently the subject of an abatement notice with MBC's Environmental Health.

It is proposed that access to the site will be achieved from Station Road. LCC

Highways have raised no objection to the proposed development (subject to condition). MBC Environmental Health have also raised no objection, subject to the inclusion of a contamination condition (as included in the recommendation).

Whilst the location of the proposed development is not one that would usually be appropriate, it is considered that the removal of the buildings (as a result of this development) would be of an exceptional circumstance to warrant the approval of the application.

The Chair asked for Members to suspend standing orders to allow a supported to speak. It was unanimously decided that standing orders would be suspended.

(b) Mr Paul Osmond, a supporter, was invited to speak and stated that:

- Intolerable living with current smell and waste
- Prefer dwellings that won't affect quality of life
- Residents support application

A Cllr asked if Mr Osmond knew the smell could be removed would he still support the houses.

Mr Osmond stated that the houses would not affect him at all.

A Cllr asked how far the agricultural buildings are from Mr Osmond's house.

Mr Osmond stated they are 50m away, therefore very close and intense.

The Chair asked Members if they would suspend standing orders to allow a second supporter to speak. Cllr Holmes proposed to allow and was seconded by Cllr Botterill. It was unanimously decided that standing orders would be suspended.

(c) Tina Mist, a supporter, was invited to speak, and stated that:

- Home is 40m away from agricultural buildings
- Neighbours were not consulted on application for livestock
- No objections to building to store farm machinery
- High hedge and low ground therefore houses not an impact
- Currently impacts quality of life
- No objection to three houses

A Cllr asked if the original application was not for livestock.

Ms Mist stated that neighbours were not consulted on an application for livestock as there is a highway between them.

The Head of Strategic Planning and Regulatory Services stated that an application was dealt with in 2014 for agricultural buildings but this has a broad scope.

The Environmental Health Officer (VC) stated that the first neighbour complaint was submitted in February 2016. 58 visits to the site were taken and 64% of the time there was an odour. A nuisance notice was served in September 2016 and there have been legal circumstances since trying to resolve the matter. Mechanical ventilation had been looked at to ensure the smell would not land in neighbouring vicinity but this was deemed unlikely. 33 households have complained, 14 residents have kept diaries and 10 people have given witness statements. Supports the application as is a resolution to problem.

(d) Mr Chris Dwan, on behalf of the applicant, was invited to speak and stated

that:

- Agricultural building subject of appeal
- Odour issues
- 106 agreement drafted and in place
- Use of buildings with cease and will be demolished
- Use of adjacent building will be controlled
- Shortfall of 3 bed dwellings, meets this need
- Carefully laid out and designed
- Low lying and screened by hedgerow
- No technical objections
- Highways satisfied
- Removes need for HGVs
- Soft landscaping schemes adds ecological benefits
- Removes odour issues
- 106 controls use of barn
- Parish Council recognise benefits, 5 support letters

A Cllr asked what conditions were attached to the planning permission, and hoped that if permitted it would not open opportunities for others to follow suit.

Mr Dwan stated that no conditions were attached that the use has not fallen foul of.

A Cllr asked the Environmental Health Officer (VCO) what percentage of pig farms over the country cause trouble with smell.

The Environmental Health Officer (VCO) responded that there was not a specific number however there has been correspondence with other authorities around the country with about a dozen in a similar situation.

Cllr Wyatt proposed to permit the application.

Cllr Glancy seconded the proposal to permit and stated that the odour problem is in the past and there is a need for houses.

A Cllr had concerns that a building would still be used for lamb and sheep and these could smell. If minded to permit, need to make sure there is no livestock on holding.

The Chair advised that the site is a farm and it is not within the Committee's right to stop the land being a farm.

The Head of Strategic Planning and Regulatory Services advised that the conditions have to relate to the matter being approved.

A Cllr asked if further buildings on the land could be prevented.

The Head of Strategic Planning and Regulatory Services stated that the Committee would have control as planning permission would be needed.

The Chair stated that he was happy to support the application as it is a solution to a longstanding serious problem.

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

Determination: PERMIT subject to:

A: The completion of an agreement under s 106 for the quantities set out in the above report to secure:

- (i) Immediate cessation of the use of the buildings for the rearing of pigs following the grant of permission (unless quashed by means of judicial review)**
- (ii) Prevention of the use of other buildings for the housing of livestock unless agreed in advance by MBC**

B: Conditions, as set out in the report

For the following reasons:

The development site is outside the village envelope for Kirby Bellars and is considered to be limited in terms of sustainability.

However, the site can be adequately accessed and would not have an adverse impact on the countryside owing to the buildings they would replace, the low lying nature of the site and the extent of effective screening afforded by hedges. Whilst the site is not within the village, it should be noted that there are other nearby residential properties and as such the proposed dwellings would not be “isolated” countryside dwellings. As such the harm arising from the development is low and mitigated further by these factors. Balanced against this, it is considered that there is substantial benefit arising from the fact that the development would remove the existing environmental issues. There are also benefits in terms of the delivery of housing of a type for which there is an identified need in the Borough, and the removal of HGV traffic currently serving the agricultural buildings. Given the ongoing odour issue with the existing use and the abatement notice, it is considered that there are exceptional circumstances to grant planning permission which would be contrary to the Development Plan and prevailing policies.

On the balance of the issues, there are very significant benefits accruing from the proposal in terms of the odour issue and when assessed under the guidance in the NPPF in terms of housing supply and housing needs in particular. The balancing issues are considered to be of limited harm. Applying the ‘test’ required by the NPPF, permission should be granted.

PL62.3

17/00582/FULHH

Applicant: Dr and Mrs Ben Lobo

Location: The Byre, 10 Church Lane, Redmile

Proposal: First floor extension

(a) The Applications and Advice Manager advised that:
The application seeks planning permission for a first floor extension to form master bedroom/en-suite and dressing room. The proposal as amended measures 0.8 metres in height and spans 10.2 metres across the existing dwelling, providing 2.3 metre high living accommodation at ground floor and 2.2 metre high living accommodation at first floor. The proposed materials are red reclaimed brick to walls, and existing pantiles will be used for the roof. The site is located within Redmile and forms part of the designated Conservation Area.

It is considered that the main issues relating to the application are:

- The impact of the proposal on the residential amenities of neighbouring properties
- The visual impact of the proposal on the character and appearance of the settlement

The impact on neighbours has been reduced by an amendment which reduced the height of the proposal by 0.5m. It is considered that while there may be some impact upon neighbours to the east, particularly No.8, this would not have a significantly adverse impact upon the amenities of these neighbours.

There would be some impact upon the character and appearance of the area. The application is re-presented following deferment on 9 November 2017, the application was deferred in order to re-examine potential conservation issues, these are addressed within the report which concludes that there is no adverse impact upon the surrounding Conservation Area.

(b) Cllr Ian Lowther, from the Parish Council, was invited to speak and stated that:

- Overdeveloped
- Impact on Conservation Area
- Not currently 3 bed, at least 4 bed
- More parking needed than 2 spaces
- Street parking already under pressure on Narrow Lane
- Impact on conservation area substantial
- Proposal hasn't changed however harm has changed from less than substantial to non substantial
- Increase in street parking
- Adverse affect on neighbours – number 8 most affected
- Blocks out light
- NPPF states harm should be weighed against benefits – no benefits

A Cllr asked if there was a problem for ambulances etc. to access.

Cllr Lowther stated that a resident had a heart attack and it took the ambulance approximately 20 minutes to get to them as it had to reverse down the street.

- (c) Clare Chantrey, an objector, was invited to speak, and stated that:
- Anomaly to report – previously reported less than substantial harm and now reports no harm, but the application has not changed
 - Harm should be balanced against benefits – there are no benefits
 - Harm to historic building and heritage asset
 - Residential amenity affected
 - Height affects access to natural light
 - Overbearing
 - Not enough car parking spaces
 - Strain on already insufficient situation
 - Worsen character of conservation area
 - Impact on all neighbours

- (d) Mr Ben Lobo, the applicant, was invited to speak and stated that:
- Reduced height
 - Repositioned working with consultation
 - Not overshadowing or overlooking
 - Minimum impact on light – tall trees are more impactful
 - Not trying to change use
 - Primarily a bungalow
 - Built in materials in keeping with area
 - 2 curtilage car parking spaces which comply with requirements
 - Willing to accept condition limiting spaces
 - Not as dense as over properties

A Cllr asked for clarification on whether the property would be sold.

Mr Lobo stated that it could be but the family would like to stay in the property.

The Chair asked if the property was sold subject to contract.

Mr Lobo confirmed it was but this should not be a planning consideration.

A Cllr was concerned that Redmile was bad for parking and asked where the figure 2.75 spaces had come from.

Mr Lobo stated that the policy says a 4 bed house should have 2.75 curtilage.

A Cllr asked if a 4/5 bed dwelling needs 3 off road spaces.

The Applications and Advice Manager (LP) stated that current decision guidance advises 2 spaces for 3 bed, rising to 3 spaces for 4 bed.

- (e) Cllr Byron Rhodes, the Ward Cllr, was invited to speak and stated that:
- 3 spaces for 4 bed dwelling
 - Sold subject to contract
 - Over intensification
 - Unsuitable

- Difficult to get down Church Lane
- Conservation area – restrict development and keep area in order
- Poor decision to allow extension

The Applications and Advice Manager (LP) stated that the report had changed from less than substantial harm to no harm because the site had been revisited and reassessed. Highways were consulted directly on car parking.

The Head of Strategic Planning and Regulatory Services stated that there needs to be special regard to the character of the conservation area. If harm is identified and rated as less than substantial this needs to be weighed against public benefits – there are no public benefits to this application. Harm to the Conservation Area is a physical manifestation and the key facility to judge this is the site visit, so Members can see what the proposal would look like and what impacts there are.

Cllr Chandler proposed to refuse the application as it is over-intensive and there is a lack of parking. There is a colossal impact on neighbours.

Cllr Baguley seconded the proposal to refuse and stated there is an impact on residential amenity, insufficient parking spaces, and the area is short of single storey dwellings.

A Cllr stated that it would destroy the Conservation Area and it would no longer look like a byre with a second storey. It is unsafe and there are bad parking facilities.

A Cllr stated that they supported refusal and had concerns on over-intensification of an already congested area. Car parking is insufficient.

The Chair stated that he supported refusal and asked if wording of there being no public benefits could be added to the proposal.

Cllr Chandler stated that she was happy to include this.

A vote was taken and it was unanimously decided that the application should be refused.

Determination: REFUSED, for the following reasons:

1. The proposal represents over intensification of the site out of keeping and harmful to its surroundings resulting in the unacceptable loss of residential amenity to the neighbouring dwellings by virtue of loss of light and overbearing. The development would therefore be contrary to policies OS1 and BE1 of the adopted Melton Local Plan 1999 and policy D1 of the emerging Melton Local Plan 2011-2036

2. The development would result in an increased demand for car parking in a location where it is currently under provided and results in on street car

parking to the detriment of road safety. It would therefore be contrary to policies OS1 and BE1 of the adopted Melton Local Plan 1999 and policy D1 of the emerging Melton Local Plan 2011-2036

3. The development would result in harm to the character and appearance of the Redmile Conservation Area by virtue of its discordant form in relation to the existing building. The harm to the Conservation Area not outweighed by any public benefit, contrary to the Principles of the NPPF in particular Chapter 12, para 134 and Policy EN13 of the emerging Melton Local Plan 2011-2036 .

PL62.4

17/00596/FUL

Applicant: Friars Well Farm Business Park - Mr Geoffrey Johnson
Location: Friars Well Farm, North Drive, Wartnaby
Proposal: Construction of 3 commercial buildings for B1 and B8 uses, associated access delivery turning areas and landscaping.

(a) The Applications and Advice Manager (LP) stated that: This application is for full planning permission for the construction of 3 independent commercial buildings for B1 and B8 uses, measuring 24.6 metres by 46 metres floor area. Total floor space 3395 square metres. The 3 buildings will be sited next to each other with gables facing south outwards the access road. There will be 12.2 metres gaps between them to allow for rear accessed and staff parking. The buildings each measure 4.57 metres to eaves and 6.9 metres to ridge.

The application site is adjacent an existing business estate on the edge of the village of Wartnaby and seeks consent for the principle of additional employment land with the Borough. Consideration to material and design have been given in relation to its semi-rural nature and also the use of existing mature screening, along with details of design, layout and appearance, it is considered that the principles of the development is acceptable in this location.

Despite concerns regarding highways issues, no evidence has been put forward that any such increase would significantly harm road safety interests and the Highways Authority have confirmed that the roads serving the site do not have a capacity issue and neither is there a traffic accident issue. Accordingly, it is not considered that these concerns can be substantiated and withstand challenge.

Details of Conservation have been considered and the separation afforded from the application site to the Conservation Area is considered acceptable in this instance.

For these reasons the proposals are considered in accordance with local and national planning policy (NPPF) and no other material considerations indicate it should depart from these. The application is recommended to be conditionally approved.

(b) Wilson Boardman, the Chairman of the Parish Council, was invited to speak and stated that:

- Additional traffic
- Commercial vans/lorries go through Ab Kettleby
- Parking and speed problems
- Inconvenience to pedestrians, horse riders and bikes
- Emergency services would not get through
- Inappropriate – there are more sites for this development
- Concerns on loss of amenity

A Cllr asked if there was signage on the village road.

Mr Boardman stated that there had been efforts from the applicant to reroute traffic to not go through the village however this cannot be controlled.

Cllr Holmes left the meeting at 8.18pm.

(c) William Musson, an objector, was invited to speak and stated that:

- Larger development
- Overcapacity of storage facilities
- Traffic concerns
- Damage to road
- Close to conservation area and will harm rural setting
- Less than substantial harm
- Visual impact
- Detract from attractiveness of landscape – trees removed
- Loss of recreational activity
- Loss of residential amenity – noise issue
- Few benefits
- No new jobs created
- Benefits do not outweigh harm

A Cllr asked how there was an overcapacity of storage facilities.

Mr Musson stated that there were prime locations of warehouses and light industry in Old Dalby, Gaddesby etc.

(d) Maurice Fairhurst, the agent, was invited to speak and stated that:

- Well managed and successful
- No harm
- No noise, adverse impacts or pollution
- Additional jobs
- Estate successfully reroutes traffic onto Six Hills Road
- Construction of new access road North Drive
- Clauses included in contracts to use new access
- Traffic not generated by park but by farms
- No objection from Highways
- Mature trees will surround development
- Proposed buildings will not harm conservation area

A Cllr asked if 2.5 acres of trees are to be removed.

Mr Fairhurst stated that he did not have the exact number but it is not as much as that. At least a 30m band of trees will be maintained.

A Cllr asked how far the buildings would be from the applicant's own building.

Mr Fairhurst stated that it would not impact on the boundary of the conservation area.

A Cllr asked how many HGV visits there are now and how much this is expected to increase by.

Mr Fairhurst stated that a survey had been carried out of 5 peak hours and it was found that out of 213 vehicle movements 99 were generated by the park. 10 of these came through Ab Kettleby. Cannot specify on how much HGV visits would increase by.

Cllr Chandler proposed to permit the application as it does not cause a lot of harm, it will grow the borough and provide more jobs.

Cllr Wyatt seconded the proposal to permit and stated it is a good gain for the Borough and only 10% of the traffic is going through the village.

Several councillors expressed their support for the application.

The Chair added that he appreciated the traffic management could not be controlled but he would like to see the applicant continue their efforts to reroute traffic away from the village.

Cllr Chandler asked to include a condition on LED lighting.

The Chair advised that condition 3 alludes to lighting however the wording can be changed to be more prescriptive.

A vote was taken and it was unanimously decided, of the nine Members left, that the application should be approved.

Determination: PERMIT, in accordance with the conditions as set out in the report, for the following reasons:

The application site is adjacent an existing business estate on the edge of the village of Wartnaby and seeks consent for the principle of additional employment land with the borough. Consideration to material and design have been given in relation to its semi-rural nature and also the use of existing mature screening, along with details of design, layout and appearance, it is considered that the principles of the development is acceptable in this location.

Despite concerns regarding highways issues, no evidence has been put forward that any such increase would significantly harm road safety interests and the Highways Authority have confirmed that the roads serving the site do not have a capacity issue and neither is there a traffic accident issue. Accordingly, it is not considered that these concerns can be substantiated and withstand challenge.

Conservation issues have been considered and the separation afforded from the application site to the Conservation Area is considered acceptable in this instance.

For these reasons the proposals are considered in accordance with local and national planning policy (NPPF) and no other material considerations indicate it should depart from these.

PL62.5

17/00182/FUL

Applicant: Mr & Mrs Halford

Location: Owl End, 24 Mill Lane, Frisby

Proposal: Single, self-build dwelling (resubmission of application 17/00477/FUL)

(a) The Applications and Advice Manager (LP) stated that:

The application site comprises 0.16 hectares on the northern edge of Frisby on the Wreake. The site is currently utilised as associated with Owl End positioned to the south of Mill Lane, the southern boundary of the site adjoins 22 Mill lane, to the east of the site is arable land. This application proposes a dwelling in a sustainable location with a reasonable range of facilities and capacity to accommodate some growth. It is considered that there are material considerations of weight in favour of the application.

The site is considered to perform reasonably well in terms of access to facilities and transport links.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its garden state, additional traffic and the impact on the character of the village and conflict with Policy H3 of the emerging Neighbourhood Plan.

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. The balancing issues are considered to be of limited harm given their scale, significance and in the case of the Neighbourhood Plan, the relative weight it can carry in its current circumstances.

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.

(b) Kathy Ford, from the Parish Council, was invited to speak and stated that:

- New application does not address or mitigate previous concerns
- Safety on Mill Lane and threat of flooding
- Outside limits to developments and village envelope
- Within conservation area
- To not refuse would set a dangerous precedent for further development
- Driveway would destroy verge and cobbles and change street view
- Close to listed buildings and conservation area

(c) Brian Howes, an objector, was invited to speak and stated that:

- Flooding and road safety concerns
- Drive entrance is in Flood Zone 2
- No change to flooding issues in new application
- Removed smaller house represented only approximately 15% of total plot
- Amount of hardstanding remains almost unchanged
- Water from hardstanding will overflow into the lane
- Mill Lane regularly used by pedestrians, horse riders and bicycles
- Large vehicles have to reverse up the lane
- Close to a blind bend

(d) Colin Wilkinson, the agent, was invited to speak and stated that:

- Single dwelling
- Efficient and low maintenance
- Surrounding embankments reduce impact of development
- Design sympathetic to village
- Variations of heights typical of Frisby
- Overcame concerns on refused application
- Reduced from 2 dwellings to 1, reduced in length and granny annex removed
- All healthy trees can be retained plus additional planting
- Low risk for flooding

A Cllr asked if the access is in the same location as previous, and asked for clarification on the drainage plan and surface of the driveway.

Mr Wilkinson confirmed that the access is in the same location. The drainage is to be agreed by condition and there is an intention for rainwater harvesting which will reduce the amount of surface water. Rest of site will be laid to grass.

A Cllr asked if the embankment to the east of the site will remain.

Mr Wilkinson confirmed that it would.

The Chair asked if Members would continue the meeting should the meeting go beyond 9pm. Cllr Wyatt proposed to continue the meeting and was seconded by Cllr Baguley. It was unanimously decided that the meeting would continue.

(e) The Chair read out a statement from Cllr Edward Hutchison, the ward councillor:

- Little has changed on application
- Hardstanding has not reduced and same trees will be taken out
- Additional water runoff issues that will add to current flood issues
- Space left to build deleted property
- Historic verge with cobbles will be destroyed
- Streetscene will be changed
- Steep incline on drive – unsafe
- Outside of village envelope and limits to development
- If planning allowed precedent will be set

The Chair asked Mr Wilkinson if the trees will be retained due to the conflicting statements.

Mr Wilkinson confirmed that healthy trees would be retained but there are dead trees which need to be taken out.

The Applications and Advice Manager (LP) stated that a landscape plan and tree assessment had been received. In terms of drainage, SUDs will be introduced to alleviate concerns. The application has changed as there is a reduction in dwellings.

A Cllr noted that there will be a rainwater harvesting system which is a benefit.

A Cllr asked how point 8 protects the trees, such as the trees within the plot. Could it be made stronger.

The Applications and Advice Manager (LP) confirmed that further or stricter conditions could be imposed.

A Cllr asked if the retention of cobbles could be conditioned.

The Applications and Advice Manager (LP) confirmed it could.

Cllr Wyatt proposed to permit the application.

Cllr Greenow seconded the proposal to permit subject to the cobbles being retained and healthy trees are protected.

Cllr Wyatt confirmed he was happy to include this.

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

Determination: PERMIT, subject to the conditions set out in the report and an additional condition requiring retention of the cobbles.

For the following reasons:

This application proposes a dwelling in a sustainable location with a

reasonable range of facilities and capacity to accommodate some growth. It is considered that there are material considerations of weight in favour of the application.

The site is considered to perform reasonably well in terms of access to facilities and transport links.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its garden state, additional traffic and the impact on the character of the village and conflict with Policy H3 of the emerging Neighbourhood Plan.

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. The balancing issues are considered to be of limited harm given their scale, significance and in the case of the Neighbourhood Plan, the relative weight it can carry in its current circumstances.

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.

PL63	Urgent Business None
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The meeting closed at: 9.09 pm

Chair