

Minutes

Meeting name	Planning Committee
Date	Thursday, 4 April 2019
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors P. Posnett (Vice-Chair) P. Baguley
G. Botterill P. Cumbers
P. Faulkner M. Glancy
T. Greenow E. Holmes
B. Rhodes L. Higgins

Observers

Officers Solicitor To The Council (RP)
Assistant Director for Strategic Planning and Regulatory Services
Development Manager (LP)
Administrative Assistant (JD)

Minute No.	Minute
PL74	<p>Apologies for Absence Cllr Bains sent his apologies and was substituted by Cllr Higgins.</p>
PL75	<p>Minutes Minutes of the meeting held on Thursday 21st February 2019.</p> <p>Cllr Faulkner requested that the minutes be amended to state that he had sent his apologies and Cllr Pearson was due to substitute. However Cllr Pearson did not attend.</p> <p>Approval of the minutes was proposed by Cllr Baguley and seconded by Cllr Holmes. It was unanimously agreed by the members present at the previous meeting that the Chair sign them as a true record.</p>
PL76	<p>Declarations of Interest Cllr Rhodes declared that he had personal interest in matters related to County Council which might arise during the meeting. More specifically, had previously exercised his right as Ward Cllr to speak on Item 4 it would only be right that he spoke as Ward Cllr again. However it would not be appropriate to partake in the vote and would leave the meeting.</p> <p>Cllr Posnett declared that as a County Cllr, she had a personal interest in anything that may relate to the County Council.</p>
PL77	<p>Update Report: 16/00303/OUT The chair stated that there is an update regarding the following application which is a precursor to debate.</p> <p>Applicant: R D And J K Chandler Location: Land And Buildings North Canal Farm, Pagets End, Long Clawson Proposal: Demolition of agricultural buildings, construction of up to 40 dwellings, improvements to existing access, formation of surface water attenuation pool and associated infrastructure, provision of public open space and landscaping.</p> <p>(a) The Planning Officer (LP) stated that: The proposal is before you again to update the committee and to provide details of the change in circumstances that have taken place since the consideration of the application in December 2017. When the application was previously heard at planning committee the resolution was to permit the proposal, subject to the demonstration that a footpath link can be secured, this wasn't by way of permission this was a requirement to satisfy the resolution of approval.</p>

Additional information has been received from the applicant which demonstrates land ownership and they feel that a condition could be added to an approval which would require the provision of the footpath from the development site through to the village green at East End as indicated by the green line.

Due to the passage of time it was considered appropriate to bring the application back to committee as significant changes have taken place since December 2017 and decisions must be taken in a manner that reflects the circumstances that apply at the point they are made.

The Melton Local Plan was formally adopted by Full Council on 10th October 2018 with the Clawson, Harby and Hose Neighbourhood Plan being adopted in June 2018. Therefore the previous circumstances that applied to the committee's consideration on 4th December 2017 have been superseded. The progress of both plans to adoption means that the legal requirement to apply full weight to be attributed to them has taken effect, which was not the case in December 2017.

The progress of both Plans is considered to assign greater weight against the application, owing to the content of the proposal being allocated only as a reserve for housing development in both.

It is recommended that Planning Permission is refused, reflecting the current considerations and their relative status.

The chair reminded members that at this particular time comments need to be limited to the merits of the application under consideration. And this is not to be used as a personal platform for political or personal promotion.

(b) Kevin Rolling, an Objector was invited to speak and stated that:

- As a third party owner of the private footpath, he rejected the use of private land for a public footpath serving the development.
- In the fourth schedule of covenant with the applicant, item 9 clearly states; 'if called upon to do so by the vendor, his successor entitled to the estate or dovecote farm or by the district or county authority within 15 years of the date hereof. The purchaser, that's me, will dedicate a footpath over such access road and footpaths coloured blue on the plan as made reasonably required.' This schedule is dated 2nd February 1996 and at no point within 15 years of that date was a request made.
- The footpath is locked at regular intervals and there are permanent signs in place to state the land is private property. Reserve legal right to continue to do this.
- A 2m wide footpath would be required and this is, in places is far less. Not willing to permit the erection of lighting or tarmac.
- Both footpaths terminate at a Village green which must be crossed to gain refuge to a pavement and cannot be altered to accommodate the use of pushchairs, wheelchairs etc.

A Cllr reiterated that the village green is public.

Mr Rolling confirmed that it is protected in law and cannot be altered. It would require a hard surface.

The Chair queried whether there is any other route for pedestrians. Would be unsuitable for wheelchairs etc., but doesn't preclude anybody walking across it in its natural state providing they are not causing damage.

A Cllr expressed concerns about the need to put down a hard surface on a village green.

Mr Rolling described the green as boggy grassland with a loose driveway with no foundations.

The Chair sought clarification regarding the 15 year limit.

(c) David Haston, Agent to the Applicant was invited to speak and stated that:

- Previous benefits discussed outweigh the policies that preclude.
- Adopted plans have not changed the fact that this is identified as a reserved site.
- Utilised an existing developed site and would remove unsightly buildings and slurry lagoon.
- Removed source of odour which could affect properties.
- Reduced traffic.
- Help fund relocation of 300 cow dairy herd.
- Landscape restoration project across countryside to the north.
- Contributions to primary school.
- Ammonia emission from farm would be high, and storage of slurry means the need to relocate is more compelling and urgent.
- No doubt that the existing footpath link, as apposed to public right of way, from the site can be lawfully used by virtue of the rights reserved in the 1996 conveyance of Prospect House. The rights reserved apply whether developed or in present state. Available to current owners and all future owners. This extends to tenants and visiting friends, all entitled to use the footpath.
- To be used by all people in connection to the development.
- Benefits still outweigh and policy conflicts or perceived harm.

A Cllr questioned whether the site is in the Neighbourhood Plan or Local Plan.

Mr Haston confirmed that the site is not allocated but it reserved for housing. This was the case as of the previous meeting, at the time of an emerging Neighbourhood Plan.

A Cllr questioned whether Mr Haston was contesting the speaker's view of the covenant on the land and asked to hear Mr Haston's again.

Mr Haston explained that anybody who was not an owner/tenant or visitor to a person that was, does not have right to use the footpath. Public footpath outside site boundary that does link into village green

(d) Cllr Rhodes, the Ward Cllr was invited to speak and stated that:

- Previously took view it should be determined against the Neighbourhood Plan.
- Applications must be decided against the law and plans, both relevant and this application does not conform to either.
- Disputed land and village green has complications and no guarantee that all have a right to use it.
- Can't be made adequate for all, as it's not wide enough and leads to the village green.

A Cllr questioned why a footpath can't be taken from the western side.

Cllr Rhodes stated that all the footpaths have to go across the village green.

A Cllr reiterated that the village green is public and anyone can walk over it. Should it have gravel/ concrete down?

Cllr Rhodes agreed, adding that it is not possible to put down the right surface for all as a permanent fixture as it wouldn't meet standards.

18:31 Cllr Rhodes left the meeting.

A Cllr stated that the footpath holds limited weight. The Local Plan has just been adopted and if it's driven straight through then it will lead to more speculative applications.

Cllr Baguley added that it was a reserved site. Only to be considered if no other allocated sites are coming forward. There are sites coming forward and members could be setting dangerous precedent. There are too many issues with lighting the footpath and making it suitable for wheelchairs/pushchairs. It would be voting against the Local Plan. **Would like to propose.**

The chair asked if they wished to propose after more of the debate had been heard.

A Cllr stated that it was undetermined in December 2017, Pre Neighbourhood and Local Plan, it should've passed. Expressed concern about odour from the dairy farm. Disputed that there needs to be anything other than grass on the village green.

A Cllr sought advice from the solicitor about the weight of the footpath. Solicitor to the Council stated that it was not the role of the committee to adjudicate the status of the footpath and it is normally not normally relevant to planning consideration. They stated the site is reserved, only to be used if the allocated fails so it would be contrary to plans. They advised to limit considerations to the materials of the Neighbourhood and Local Plan.

A Cllr added that the plans should be considered, and also that there had been no complaints about odour so this was not a concern. They asked whether any letter had been issued confirming permission.

The Development Manager stated there was a resolution to permit. No decision has been made and no permission granted.

A Cllr expressed concerns regarding health issues and questioned why housing was so close to farmyard.

A Cllr stated that they had previously voted to permit based on there being no plan in place and could see the benefits of relocating the farm. However it was now different with the new plans.

The Chair added that although the circumstances have not changed, regulations have. I.e the Local and Neighbourhood Plans. These have to be given weight. With regards to the foul smell/nuisance from the farm, it is not the committee's job to make them compliant. He added that this is a reserved site and only to be brought into effect if other sites are unable or unlikely to come forward it's not believed they won't.

**Cllr Baguley proposed to refuse the application.
Cllr Glancy seconded.**

A vote was taken. 8 members voted to refuse the application. 2 members abstained from the vote. 1 member was absent from the vote.

Cllr Botterill and Cllr Holmes wished to have their vote to abstain recorded.

18:46 The Solicitor to the Council left the meeting.

18:47 The Solicitor to the Council and Cllr Rhodes returned to the meeting.

Determination:

The application proposes a development of dwellings that is contrary to Policy C1 (B) of the adopted Melton Local Plan 2018. The development is allocated as a reserve site that should only be considered should other allocated sites not come forward for development. No evidence has been provided to indicate other sites are incapable of delivery The Borough can demonstrate in excess of five year supply of deliverable housing sites. The application is therefore contrary to Policies SS1 and SS2 and C1 (B) of the

Melton Local Plan 2011-2036.

The application proposes a development of dwellings that is contrary to the Long Clawson Hose and Harby Neighbourhood Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough shift resulting in a greater allocation to Long Clawson, or other allocated sites not come forward for development. The application is therefore contrary to Policies H1, H2 and H3 of the Clawson Hose and Harby Neighbourhood Plan 2017-2036.

PL78 Schedule of Applications

PL78.1 18/01011/REM

Applicant: Miss Sally Smith

Location: Fair Farm, 33 Melton Road, Waltham On The Wolds

Proposal: Approval of reserved matters application for the erection of 60 new dwellings including new access, public open space, landscaping, play area and associated infrastructure

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

The application before you is a reserved matters application which considers the layout, scale, appearance and landscaping of the 60 dwellings proposed. Concern has been raised with regards to infrastructure and drainage however these have been considered at the outline stage of the application where the principal of development was approved, and I would like to remind members of the Waltham planning committee whereby common issues such as drainage was considered and debated and thereby approval of the outline granted with that in mind condition 7 of the recommendation will need to be removed from any decision made.

There have been amendments to the scheme which has included more materials and designs considered appropriate for the village of Waltham. Having regard to the fact that the proposal is an allocated site and brings forward a reasonable mixture of housing contributing to identified needs and providing the requisite number of affordable homes along with a layout which takes advantage of views over landscape or public space the proposal is considered to comply with the provisions of the NPPF, the Melton Local Plan and the Neighbourhood Plan and is recommended for approval.

(b) Cllr Lusty, on behalf of Waltham on the Wolds Parish Council was invited to speak and stated that:

- Waltham on the Wolds is a unique and attractive village. References the Neighbourhood Plan Policy H6, regarding high quality design/form in keeping with the local vernacular.
- Pleased the legitimacy has been acknowledged by applicant but the changes are insufficient.
- Applicant has introduced stone construction, but not enough as currently it is 12% with partial stonework.

- 10 out of 60 have chimneys and the street scene is regimented.
- Affordable housing is unevenly distributed and doesn't comply. A more creative solution is needed.
- Does not comply with the Neighbourhood Plan.

A Cllr questioned whether the neighbourhood plan stated a specific percentage in terms of stone construction.

Cllr Lusty replied no, but it is 49% on another nearby development.

A Cllr queried the status of the nearby development.

Cllr Lusty confirmed that is under construction.

A Cllr queried the village percentage in terms of stone construction.

The Chair stated that the village is approx. 35%. Very few have no stone.

A Cllr asked Cllr Lusty what figure would be significant.

Cllr Lusty replied 50% is significant.

(c) Mr Kevin Rolling, an Objector was invited to speak and stated that:

- He agreed with Cllr Lusty
- This would be chipping away at a Plan and once this had been done, it opens up a chip at legislation it lessen its intent.
- Should be stone around the edges of the development.
- Social houses should be inclusive.

(d) Sally Smith, Agent to the Applicant was invited to speak and stated that:

- Plans are a culmination of extensive discussions with Planning Officers, The Parish Council and Neighbourhood Plan Group and they have sought to address concerns raised through representations.
- Will contribute to 5 year housing land supply.
- Identifies need in local area and houses meet the need of the community.
- Offers area of play.
- Improvement to access.
- In keeping with the surrounding area.
- Includes stonework and chimneys on prominent plots.

- Bungalows for the identified aging population.

A Cllr questioned the costings for a building to be stone clad.

Miss Smith replied that she didn't know.

A Cllr asked whether they were hoping for a decision to be made during the meeting and mentioned going away to talk with the Parish Council.

Miss Smith referred to the OUT decision.

A Cllr stated that this should be a rural development not an urban development as Waltham on the Wolds is an Ironstone village. They also expressed concerns about facilities.

A Cllr asked whether there would be any hope of increasing the amount of stone construction.

Miss Smith stated that they would be prepared to negotiate.

A Cllr stated that members have a duty to encourage good design and that this didn't fit well.

The Chair asked if they would be open to further dialogue regarding the issues raised.

Miss Smith replied yes.

The Development Manager stated that the site borders a neighbouring development with a higher quantity of stone. There is a condition on the OUT regarding details of materials to be submitted and if members are concerned then further discussions could be had when the DIS is conditioned.

The Chair stated that the condition doesn't solve how much stone. It needed to be appropriate. 6% is not reflective of the area.

Cllr Greenow proposed to defer to allow the Parish Council, Ward Cllr, Officers, Chair of the Planning Committee and Applicant to reconsider; the number of properties of stone or partial stone construction. And the number of properties with chimneys to bring the application more into line with the Parish Council's desires and the existing mix within the village of Waltham on the Wolds.

The Chair stated there needed to be more debate before doing so.

Cllr Glancy seconded the motion, stating the homes needed to fit in better and would encourage further discussion.

A Cllr added that the first house when entering the village is stone.

A Cllr agreed and stated that the development should follow the neighbouring

development where stone construction is 49%. They suggested the plans needed looking at again and the character needed to be kept.

A Cllr asked whether the design could be a condition rather than a deferral.

The Chair stated that they would need to prescribe it.

A Cllr added that they have a responsibility and suggested that asking for changes would make the buildings look better and in years to come.

A Cllr stated that they have to be careful not to over prescribe but agreed people shouldn't be boxed into one corner in terms of the affordable housing.

The Chair asked if the offer to defer still stood.

Cllr Greenow agreed and again, listed those who would need to attend a meeting.

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

Determination: The application was deferred to allow for a meeting with the Parish Council, Ward Member, Chair of the Planning Committee, Development Manager and Applicant in order to consider the amount of stone and chimneys within the proposal.

PL78.2

18/01464/FUL

Applicant: Mr & Mrs A Watkinson

Location: 1 Belvoir Avenue, Ab Kettleby

Proposal: Erection of a detached bungalow to the rear of 1 Belvoir Avenue.

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

The proposal is a full planning application for the erection of a detached bungalow in the garden of number 1 Belvoir Avenue. Concern has been raised with regards to the impact of amenity of neighbouring residents and the proposal amended during the course of the planning application.

When assessing the proposal against both the local plan and the Neighbourhood plan which is given limited weight the proposal complies with the policies of the Melton Local Plan and is recommended for approval.

(b) The Chair read out a statement on behalf of Cllr Orson, the Ward Cllr.

- Visited the site and viewed from 3 Belvoir Avenue and Quorn Avenue.
- Bungalow would severely impact 3 Belvoir Avenue. Loss of amenity beyond what's reasonably acceptable for infill property.
- Limited support for proposal.
- Bigger than imagined and would impact No.3.

(c) Adrian Watkinson, the Applicant was invited to speak and stated that:

- Land was given to him by family who live at 1 Belvoir Avenue.
- The single storey, 1 bed bungalow would be as low key as possible and constructed from same style bricks and tiles as surrounding property.
- Reason for the build is to downsize and use as a retirement home.

A Cllr asked if the applicant would accept a personal tie.

The Assistant Director of Strategic Planning and Regulatory Services explained that this would limit the occupancy only to Mr and Mrs Watkinson.

Mr Watkinson replied yes, as they will retire there.

The Solicitor to the Council stated that it was unusual to ask for a personal tie and doubted whether that would be appropriate.

Cllr Rhodes proposed to permit and said that to apply a personal tie would be a burden to the family.

Cllr cumbers seconded.

A Cllr explained they wanted to know if the applicant intended to live there and could see the merits for it. It would encourage smaller houses on the market. They described that when viewed from 3 Belvoir Avenue, the garden land is slightly higher. It would severely impact no.3 and leaned towards concern.

A Cllr agreed and suggested that 1 Belvoir Avenue may not always be within the family and expressed concerns of how close the bungalow would be.

The Chair stated that any future buyer would be aware.

A Cllr queried the separation distance.

The Chair explained the bungalow would be at an offset right angle and window to window, exceeded the minimum distance.

A Cllr reiterated the amenity to No.1. The bungalow would mean No.1 would not be in keeping with the garden taken away.

The Chair pointed out on the plans that the distance to the corner of No.3 is 7.6m. He asked whether it is known that to sit the bungalow down would prevent overlooking issue to No.3.

The Development Manager stated no.

A Cllr stated that the proximity was too close.

A Cllr expressed concern about the impact on No.3 and suggested strategic planting.

The Chair questioned whether they'd be encouraging the applicant to do the planting screen.

A Cllr confirmed that yes they would.

The Chair highlighted condition 6 - details of the boundary treatment.

A Cllr queried whether the condition could be reworded.

The Development Manager replied yes, members could reword.

A Cllr stated that the gardens are narrow, and questioned whether this could block sunlight/daylight.

A Cllr asked whether the screening should be for No.3's liking not member's.

The Assistant Director of Strategic Planning and Regulatory Services stated that conditions cannot be created that involve third parties. They can be consulted but it could not be left in their hands.

The Chair asked if the proposer and seconder would permit subject to a satisfactory resolution.

A Cllr queried the parking.

The Chair informed them that it would be between the existing and proposed property. To the right hand side.

Motion to permit as per the Officer's recommendation.

5 members voted for. 6 members voted against.

The motion was lost.

Cllr Higgins stated that the proposed dwelling would compromise the amenity of No.3 and would be unacceptable. Contrary to Policy D1 of the adopted Melton Plan.

Cllr Glancy seconded for the same reason.

A vote was held. 7 members voted to propose to refuse. 3 members voted against this. 1 member abstained from the vote.

Permission refused.

Determination:

The proposed dwelling, by virtue of its length, height and proximity to the boundary of the site, would result in an unacceptable intrusion into the amenities enjoyed by the adjacent property, no 3 Belvoir Avenue. It would therefore compromise the amenity of the neighbouring properties and would be contrary to policy D1 of the Adopted Melton Local Plan 2011-36

PL78.3

18/01515/FUL

Applicant: Rectory Court Residents

Location: Rectory Court, Rectory Lane, Bottesford

Proposal: Installation of entrance bollards.

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

The proposal is a full planning application for the installation of bollards; the application is presented to you as the applicant is an elected member.

The bollards proposed are considered non intrusive and of a design that would not impact upon the host Listed building or conservation area.

And is compliant with Highway regulations to ensure no detrimental impact on highway safety.

The application is therefore recommended for approval.

Cllr Holmes proposed to permit.

Cllr cumbers seconded.

A Cllr queried whether they cover the whole entrance or just part.

The Development Manager stated that there will be 4 on either side and are to restrict HGVs.

A Cllr asked whether there would be any impact to cars.

The Development Manager stated no.

A Cllr expressed their support and said that they understood the reasoning, plus it would prevent damage to parked cars.

A Cllr agreed stating it was unacceptable to turn on private property.

A Cllr stated that if it wasn't for the applicant being a member then it would be a delegated decision and permitted.

The Chair asked what the reason was for the HGVs using the space to turn. Was it a dead end and would this be dangerous.

The Development Manager confirmed that it was not a dead end.

A vote was held and members voted unanimously to permit.

	Determination the proposal complies with the provisions of the NPPF and the Melton Plan 2011-2036. No material considerations are present to justify a decision that would depart form the Local Plan and it is recommended that planning consent be granted on this occasion.
PL79	Urgent Business

The meeting closed at: 8.00 pm

Chair