

Minutes

Meeting name	Planning Committee
Date	Thursday, 17 August 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. Posnett (Vice-Chair)	P. Baguley
G. Botterill	P. Chandler
P. Cumbers	M. Glancy
T. Greenow	E. Holmes
J. Wyatt	

Observers

Officers

- Solicitor To The Council (SK)
- Head of Strategic Planning and Regulatory Services
- Regulatory Services Manager
- Planning Officer (LP)
- Administrative Assistant (KS)

Minute No.	Minute
PL29	<p>Apologies for Absence Cllr Faulkner was on holiday and could not attend the meeting.</p>
PL30	<p>Minutes Minutes of the meeting 27th July 2017</p> <p>Cllr Cumbers noted that the Minutes of the 27th July 2017 had not been unanimously agreed upon as not all Members had been present.</p> <p>Cllr Chandler wished for 'farm business territory' on page 5 to be changed to 'farm business tenancy', and for 'head of the Parish Council' to be changed to 'Chairman of the Parish Council'.</p> <p>Approval of the Minutes was proposed by Cllr Holmes and seconded by Cllr Chandler. It was unanimously agreed that the Chair sign them as a true record.</p>
PL31	<p>Declarations of Interest The Chair advised that Cllr Orson would normally speak on applications 17/00315/OUT and 17/00636/OUT as the ward councillor, however he had a pecuniary interest and is the immediate neighbour to one of the applicants.</p>
PL32	<p>Schedule of Applications The Chair brought application 16/00704/OUT to the top of the agenda and advised the Committee that it would not be heard and should be formally deferred.</p> <p>Cllr Wyatt proposed to defer the application.</p> <p>Cllr Baguley seconded the proposal to defer.</p> <p>A vote was taken and it was unanimously decided that the application would be deferred.</p>
PL32.1	<p>17/00315/OUT Applicant: Mr D Benbow & Mrs H Swale Location: Longcliff Hill House, Longcliffe Hill, Old Dalby Proposal: Erection of up to 8 dwellings with associated vehicular access</p> <p>(a) The Planning Officer stated that: This application seeks outline planning permission for the construction of up to 8 dwelling with access considered at this time, members will be familiar with the application that was deferred from the committee of 27 July 2017. The application was deferred due to the late submission of information from the applicant, members will have now received the additional information which</p>

contained a detailed plan of approved housing development and their relationship to the site, the information also contained a letter which raised comment on details of the Committee report.

The additional information is not considered to raise any new points from those within the report but represents an alternative perspective of the relevant issues. The application presents a balance of competing objectives, there are significant benefits from this proposal when assessed under the NPPF in terms of housing and some smaller units being offered, along with financial contributions offered to repair works for the village hall.

The balancing issues are considered to be primarily the location of the proposal, which poorly relates to the built form of Old Dalby appearing disjointed with the existing residential built form.

As such the application is recommended for refusal as set out in the report.

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

- Additional information adds nothing to the argument
- Development would be a new direction into open countryside
- Sets the precedent for further development
- Agree with officer's recommendation

(c) Simon Proffitt, an objector, was invited to speak and stated that:

- Neighbourhood Plan had been submitted and the community made an effort to create plan reflective of all needs and wishes
- The area's housing supply target is already met and exceeded
- Site is outside limits to development
- Traffic management concerns - congestion, traffic impact assessment not carried out, impact on safety
- Narrow hill with a blind bend
- Neighbourhood Plan carries limited weight

(d) Chris Green, the agent, was invited to speak and stated that:

- 8 residential dwellings
- Sustainable location
- Positive pre-application advice with no concerns
- Small scale and sensitive approach
- Mix of 3- and 4-bed dwellings
- Existing street scene and open countryside will be considered
- No objections from technical consultees
- Balancing issues form limited weight
- In keeping with locality
- Adverse impacts do not outweigh the benefits

A Cllr sought clarification regarding what size the 3- and 4-bed dwellings would be.

The Agent advised that there would be a range from 900sq ft up to 13000sq foot.

The Planning Officer advised that the housing supply trajectory had not been examined as yet and thus is not binding. The pre-application advice had been given months previously when a 5 year housing land supply could not be demonstrated and thus the circumstances now differ.

A Cllr asked if the Neighbourhood Plan was at Regulation 16 stage or Regulation 14.

The Planning Officer stated that it was at Regulation 16.

A Cllr asked if the infrastructure of the application had been looked at, for example water and sewerage.

The Planning Officer stated that advice had been gathered from the relevant bodies.

Cllr Holmes proposed to permit the application as it is a sustainable area. The plan shows a green space next to the site that has already been given planning so she could not see how a refusal would stand up.

Cllr Wyatt seconded the proposal to permit.

A Cllr stated that they were uneasy about the recommendation as two applications had been passed nearby with no issues.

A Cllr asked if a S106 could be requested for the village hall. Cllr Holmes stated that she was happy to include this as well as the usual conditions to permit.

The Chair clarified that Members were happy for the usual conditions to be drafted by officers with added S106 condition for the village hall and education.

A vote was taken. 8 Members voted in favour of the motion to permit. 2 Members voted against.

DETERMINATION: PERMIT, subject to:

The completion of a s106 agreement to secure appropriate payments for (a) the expansion of the local primary school (in consultation with the Local Education Authority) and (b) improvements to the village hall as set out in the report (£1904)

Conditions, the details of which were delegated to the Head Of Regulatory Services

For the following reasons:

The provision of housing would contribute to the NPPF's objectives of boosting housing supply. Whilst the Borough is considered to have an adequate housing land supply this should not be regarded as an upper limit.

Old Dalby is considered to be a reasonably sustainable location for housing development and the site would relate well to the existing settlement, recently approved applications and is close to village facilities.

In conclusion it is considered that, on the balance of the issues, it is considered that the benefit – the contribution to housing supply in a sustainable location – outweigh the harm arising from the site.

PL32.2 **16/00704/OUT**
Please refer to minute number PL32

PL32.3 **17/00477/FUL**
Applicant: Mr & Mrs Halford
Location: Owl End, Mill Lane, Frisby on the Wreake
Proposal: Two detached dwellings

(a) The Planning Officer stated that:

This application seeks full planning permission for the construction of 2 detached dwellings on the northern edge of Frisby on the Wreake.

The site is currently used as garden area for Owl End, the site is separated from Owl end by garden planting, the site is outside of but adjoins the Frisby on the Wreake Conservation Area.

Members should be aware that a request has been made to the Secretary of State to consider this planning application against the call-in policy as set out in the written Ministerial Statement of 26 October 2012.

Members should note that if they are minded to approve the application, then a decision cannot be issued until the Secretary of State has considered whether or not to call in the application. Therefore the officer recommendation in this instance is amended to approval 'subject to' the assessment of the application by the Secretary of State.

The application presents a balance of competing objectives, there are benefits from this proposal when assessed under the NPPF in terms of housing in a location that performs reasonably well in terms of access to facilities and transport links particularly to Melton Mowbray.

The balancing issues are considered to be development of a greenfield site and potential conflict with the Frisby Neighbourhood Plan. The Neighbourhood Plan has completed the Local Authority publicity period but is yet to be the subject of Examination or Referendum and one task for the Committee will be to consider the weight it should carry. Details of the position and content of the NP are addressed on pages 8 and 9 of the report

The application is recommended for approval subject to review by the Secretary of

State and conditions as set out in the report.

(b) Mike Patterson, on behalf of objectors, was invited to speak and stated that:

- Area floods and can be impassable by cars
- The flooding issue has not been resolved and further development may increase the problem
- Cobbles should be retained
- Parking on the sides of the road causes bottlenecks
- Traffic increase
- Farmers, Network Rail and National Grid often use the road
- Speed issues endanger pedestrians and horses
- No clearly defined footpath
- Single track entrance with blind bend
- Outside limited development line
- Borders conservation area
- Overly developed character and unsympathetic
- Overbearing
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The Head of Regulatory Services stated the site is outside the village envelope but sought clarification how that was in conflict with the Neighbourhood Plan.

Mr Patterson explained that Policy H3 in the Neighbourhood Plan supports development within limits to development but it does not specifically exclude it outside. The Neighbourhood Plan sets out the context about protection of the countryside and the need to focus development where the community wants it. Whereas the Policy H3 have taken in isolation does appear to be loose, with the narrative it meets the basic condition. There could be disagreements as to the robustness of the policy.

A Cllr sought clarification what the distance from the application site to the listed building was.

Mr Patterson stated that it was on the other side of the road, approximately 30/40 yards away. The Grade I listed church is sited approximately 100yards from the site.

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

- Reasonable range of facilities such as shops and a school all within walking distance
- No objection from Highways Authority
- Traffic speeds low
- Low risk of flooding as advised by statutory consultees
- Well contained
- Trees will be retained or replaced
- Built on the lower parts of the site to reduce impact
- Style typical of Frisby

- No important trees, views or heritage assets
- Sustainable
- No technical objections
- Outside conservation area and in keeping with the character
- Consistent with Local Plan
- Meets needs of housing shortage
-

The Head of Regulatory Services asked the agent the same question regarding how the Neighbourhood Plan affects the application.

The Agent stated that although it is outside the limits to development, there is no policy which prevents the development of sites outside.

A Cllr asked if the plum tree could be retained.

The Agent said that all would be done to retain and protect the tree.

A Cllr asked if there was a need for an annex, as they are used to seeing accommodation where there is already a need.

The Agent stated that there is no immediate need; it will give the family flexibility for the future.

The Chair asked if Members would suspend standing orders to allow a representative from the Parish Council to speak. It was unanimously agreed that standing orders would be suspended.

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

- Visibility on Mill Lane is tricky
- Busy pedestrian traffic
- Support concerns of residents
- Aware of legal anomalies as to how much weight should be given by local councillors to emerging Neighbourhood Plans but ask that determination of app which contravenes the Neighbourhood Plan be deferred until legal situation is resolved
- Para 14 and 49 of NPPF – if council has 5yr supply of land they do not have to grant planning apps that are outside the limited developments unless a robust case can be made to demonstrate that the housing will make a social, economic or environmental benefit that outweighs the harm of the development
- As MBC have a published 7 and a half year land supply with sufficient housing to meet required need then they are not obligated to pass a development so close to a Listed Building and in a Conservation Area
- Parish Council wrote to Secretary of State expressing concerns and asking for intervention as set out under the written ministerial statement of Oct 2012 – a case officer has been allocated

A Cllr stated that the application was submitted in April so could not understand the call in.

The Head of Regulatory Services advised that there had not been a call in but the LPA would need to inform the government if the application is approved to allow the Sec. of State the opportunity to call in.

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

- Flooding and traffic issues
- Negative impact on street scene
- Would destroy the historic verge
- Outside Neighbourhood Plan limits to developments
- Modest development and single home should be considered
- Residents and street scene should be protected
- Consider deferment for re-designed considerations

The Head of Regulatory Services asked how it was envisaged that one dwelling instead of two would overcome the 'limit to development' objection.

Cllr Hutchison stated that would be up to the developers if they could fit a dwelling onto that plot within the limits.

The Head of Regulatory Services advised that the application needed to be assessed on a number of dynamics, of which the progress of the Neighbourhood Plan is one. The NP states that within the limits to development, development will be supported subject to meeting criteria. There is no equivalent to Policy H3 to what happens outside the village envelope. He referred to Mr Patterson's response, that it was in the narrative, the focusing of the limits to development as a more sustainable solution. He referred to the part of the report that addressed what weight the Neighbourhood Plan carries based on the guidance applied by national policy and how it relates to this application.

In terms of the limits to development, the NP stated it has been drawn follow clearly defined features such as walls, fences, hedgerows and roads.

Members observations from the site visit should be used to help decide if it accords with the line that is drawn on the plan, and if the boundary line follows a firm feature.

A Cllr stated that they thought the line does not follow a clearly defined feature. They thought that the clearly defined feature would actually be the fence at the back of the garden, therefore only limited weight could be given. They had concerns on flooding as the depth and size of the site would hold water and how much of that would run off and hit the road.

The Head of Regulatory Services stated that the LLFA do not get involved in applications of under 10 dwellings. Condition 4 would cover drainage and surface water.

Cllr Chandler proposed to refuse the application as it is over intensive and was concerned that trees would be removed and as they hold a lot of water this would lead to flooding.

Cllr Holmes seconded the proposal to refuse the application.

A Cllr agreed with the proposal to refuse and stated that with the annex it is actually an application for three dwellings, and there is no current need for the annex.

A Cllr stated that the application does not promote mixed use and function of sites as promoted by the NPPF para 17.

Cllr Chandler stated that she was happy to have this included as a reason to refuse.

A Cllr stated that they could not support the refusal as it is a small scale application.

A vote was taken. 7 Members voted in favour of the proposal to refuse. 3 Members voted against. Cllr Baguley wished for her vote against the proposal to be recorded.

DETERMINATION: REFUSE for the following reasons:

1. The proposed development would result in the removal of trees on the site which contribute to the alleviation issues of flooding in the area. This would be contrary to one of the core principles of the NPPF set out in Paragraph 17 to: Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage, or food production).

2. The proposal represents over-intensification of the site out of keeping and harmful to its surroundings, contrary to the objectives of Policy BE1 of the adopted Melton Local plan.

PL32.4

17/00636/OUT

Applicant: Mr John Sim

Location: The Paddock, Dalby Road, Nether Broughton

Proposal: Proposed 9 dwellings and associated access Arrangements

(a) The Planning Officer stated that:
There are no updates to the report.

This application seeks outline permission for the erection of 9 dwellings, access, layout and scale are considered at this time with appearance and landscaping reserved for later submission.

The application site is located off Old Dalby Lane on the edge of the village, the site is currently utilised as paddock land.

On balance of the issues, the proposal is considered to offer benefit when assessed as required under the guidance in the NPPF in terms of housing supply and the smaller number of bedrooms along with starter homes proposed.

However the balancing issues are considered to be development that would be in a less than sustainable village and where the site is disconnected from the core of the village.

As such the application is recommended for refusal as set out in the report.

The Chair asked Members if they would suspend standing orders to allow Cllr Dorn to substitute Cllr Bennett as the Parish Council representative. It was unanimously decided that standing orders should be suspended.

(b) Cllr Dorn, from the Parish Council, stated that:

- Total of 150 houses, 36 already approved provides 24% increase
- Pre-submission of Local Plan classifies Nether Broughton as a rural settlement
- 3 dwellings may be suitable
- The site is unsustainable
- No facilities other than a church, village hall and pub
- Public transport reduced
- Greenfield site, not integrated
- Outside limited development
- Negative impact on character
- Contrary to NPPF
- 11 letters of support but none of these live in Nether Broughton
-

A Cllr asked if there was a bus supplied to Old Dalby and Melton Mowbray for school transport.

Cllr Dorn stated that there is.

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

- Provide affordable housing to allow people to get on the housing ladder
- Low lying, poor quality grazing ground
- Not isolated, similar dwellings nearby
- Footpaths links to other villages
- Bus service and employment opportunities at the business park
- Mixed use housing on 1.4 acres
- Low density
- Set back from road behind trees
- One point of access to maintain highway safety
- Not adverse impact

- No objection from statutory consultees
- Highways requirements met
- S106 contribution
- Housing is not being delivered quick enough so this would be delivered before the 3yr requirement
- Benefits outweigh the harms
- Not contrary to NPPF
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The Head of Regulatory Services stated that it was conventional to put a three year limit on developments, but perhaps this should be shortened in line with the agent's offer.

A Cllr stated that they liked to see small developments as it is easier to become part of a community.

A Cllr stated that the public transport is insufficient.

Cllr Wyatt proposed to permit the application as it is an acceptable site and provides a good mix of dwellings.

Cllr Botterill seconded the proposal to permit.

The Planning Officer clarified that there would be a S106 contribution and normal conditions would be drafted.

The Chair suggested having the three year limit reduced to a two or one year limit.

Cllr Wyatt stated that it should be two years.

The Chair stated that the application would improve the connectivity of the village as there are houses nearby.

A Cllr agreed and stated that it would be a good opportunity for young people to get onto the housing ladder. They requested a condition be added for the hedge fronting the main road to be laid. A Cllr considered this would be impractical because it contained some larger trees and it was discussed that simply 'tidied' would suffice.

Cllr Wyatt agreed to have this added.

A Cllr asked if a contribution for education would be included.

The Chair confirmed this would be necessary.

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

DE The completion of a s106 agreement to secure appropriate payments for

the expansion of the local primary school and as set out in the report (£52,948.12)

Conditions, the details of which were delegated to the Head Of Regulatory Services but to include a requirement to commence development within 2 (years rather than the standard 3)

For the following reasons:

The provision of housing would contribute to the NPPF's objectives of boosting housing supply. Whilst the Borough is considered to have an adequate housing land supply this should not be regarded as an upper limit.

Nether Broughton is considered to be a reasonably sustainable location for housing development and the site would relate well to the existing settlement, and provided a range of house types that would address current shortfall and assist the sustainability of the village.

In conclusion it was considered that, on the balance of the issues, it is considered that the benefit – the contribution to housing supply in a adequately sustainable location – outweigh the harm arising form the site.

PL33

Urgent Business

The Officers and Members discussed some existing cases.

The meeting closed at: 7.42 pm

Chair