

Minutes

Meeting name	Planning Committee
Date	Thursday, 19 October 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	P. Faulkner
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 (JL)
 Planning Officer (LP)
 Administrative Assistant (KS)

Minute No.	Minute
PL49	<p>Apologies for Absence None</p>
PL50	<p>Minutes Minutes of the meeting held on 28th September 2017</p> <p>Several Members had not seen the Minutes of the meeting. The Chair proposed to carry them forward to the next meeting.</p> <p>Cllr Holmes seconded the proposal.</p> <p>A vote was taken. It was unanimously decided the Minutes would be considered at the next meeting.</p>
PL51	<p>Declarations of Interest Cllr Greenow declared an interest in application 17/00950/OUT.</p> <p>Cllrs Chandler and Botterill declared a prejudicial interest in application 17/00299/OUT.</p>
PL52	<p>Schedule of Applications</p>
PL52.1	<p>17/00997/OUT Applicant: Hazelton Homes and Mark Curtis Bennett Location: Field OS 3300, Oakham Road, Somerby Proposal: Residential development for up to 31 no. dwellings</p> <p>(a) The Head of Strategic Planning and Regulatory Services stated that: A submission of late information had been received which needed to be considered fully, therefore a deferral was recommended.</p> <p>The Chair proposed to defer the application.</p> <p>Cllr Glancy seconded the proposal to defer.</p> <p>A vote was taken. It was unanimously decided that the application should be deferred.</p> <p>Determination: DEFER, to allow consideration of the recently received material.</p>
PL52.2	<p>17/00299/OUT Cllrs Chandler and Botterill left the meeting at 6.10pm for the duration of the application.</p>

Applicant: Trustees of the 9th Duke of Rutland's Settlement
Location: Land west of Saltby Road and south of Mill Lane, Croxton Kerrial
Proposal: Residential development of up to 39 dwellings, associated infrastructure and landscaping (all matters reserved except for access)

(a) The Regulatory Services Manager stated that:

Updates following publication of agenda – trial trenching has already been undertaken, condition 11 should be amended accordingly and surplus secondary school places have been taken by decision on 17.10.17 to approve residential development at Fair Farm, Waltham, consequently this proposal will be required to make a contribution to secondary education.

Residential development of up to 39 dwellings with all matters reserved except access. Described the site and its surroundings. Noted that Croxton Kerrial is a reasonably sustainable settlement and summarised committee report by highlighting that the main considerations in the determination of the application were compliance or otherwise with the development plan and the NPPF; impact upon the character of the settlement and the countryside; impact upon heritage assets; relationship with public right of way which crosses the site and impact upon transportation and highway safety.

(b) Patricia Lawrence, on behalf of the Parish Council, was invited to speak and stated that:

- Does not conform with the NPPF requiring development to conserve and enhance a historic environment
- Unnecessary harm to a listed building
- Windmill significant in historical interest and cultural heritage
- Damage to setting of listed building
- Egerton Lodge as an example, sense and quality of building lost because of development
- Benefits do not justify damage
- Space from the windmill to the housing estate is too close
- Should be sited elsewhere, the PC would gladly support development in other locations on the edge of the village, but not here where it affected the heritage asset.

The Chair proposed to suspend the meeting at 6.21pm to speak to a member of the public in private regarding their conduct and interruptions.

Cllr Wyatt seconded the proposal and it was unanimously decided that the meeting should be suspended.

The Chair returned and continued the meeting at 6.26pm.

A Cllr asked Ms Lawrence of the Parish Council what distance between the development and the windmill would be acceptable.

Ms Lawrence stated that there should be a clear distance so one could see across from the road to the windmill. Presently, the distance between the last houses on Saltby Road and the first houses in this development is very small.

(c) Jeremy Bancroft, an objector, was invited to speak and stated that:

- Adversely effects the important southern gateway to village
- Views of setting effected
- Policy EM6 - harm to settlement
- Policy EM13 - effects heritage asset
- Proposed development should avoid harm to the significance of historic sites, buildings or areas including their settings
- Archaeology state concerns about impact on listed building
- No comments from the conservation officer
- Section 9.5 of report refers to high impact on listed building but does not address archaeology's concerns
- Officer's report at odds with archaeology in terms of harm

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

- There are good facilities and amenities, and public transport available within walking distance
- The bus service hourly to Grantham and Melton Mowbray
- Site is allocated in Local Plan for 40 dwellings
- Contributes to supply of housing land
- The application has been made with feedback of Parish Council and local residents
- Archaeology trenching has been undertaken
- The site is outside the conservation area
- No substantial harm to the significance of the area or the conservation area
- There are no technical objections from consultees
- There is a surplus of spaces available at the primary school
- Offers boost to housing supply including affordable housing
- Helps meet Local Plan

A Cllr asked if the footpath provides an access to the doctor's surgery.

Mr Wilkinson said it is possible; however it goes through the farm.

The Chair asked for an approximate indication of the distance between the garden of the windmill and the first house.

Mr Wilkinson stated it is approximately 50 yards.

The Regulatory Services Manager stated that the Members needed to come to a decision in terms of the layout as it is indicative. The presence of the listed building

has been considered to be 'less than substantial' and this means that Members need to consider whether the benefits outweigh the harm due to the housing contribution. Policies from the emerging Local Plan can be given limited weight at this stage.

A Cllr asked if there is a Neighbourhood Plan for Croxton Kerrial.

The Regulatory Services Manager stated that there is one in preparation; however it is in the early stages and presently has no sites proposed.

A Cllr asked if a distance from the listed building could be conditioned.

The Regulatory Services Manager confirmed this could be done if Members felt it would help to enhance and protect the listed building; however he cautioned that the condition needs to not prevent development and needed to remain 'reasonable'

A Cllr suggested the number of dwellings should be lowered.

The Regulatory Services Manager stated that the application is for up to 39 dwellings and this is what needed to be determined.

A Cllr asked if it was possible to reconfigure the houses on the outside of the development so the windmill could be seen as you enter the village from Saltby and if the proposed line of site to the windmill is protected so houses do not overshadow.

The Regulatory Services Manager advised that the layout is indicative and a condition could be added to lay the site out in a way so that the windmill could be seen. Protected views could be conditioned.

The Chair suggested that if Members were minded to permit they could incorporate a condition subject to improved scheme with less damage to the listed building.

Cllr Holmes proposed to permit the application subject to the added conditions, and with fewer houses to open up the area.

Cllr Glancy seconded the proposal to permit. Keen to preserve the windmill with the added conditions. Sufficient space to provide a good development.

A Cllr stated that they could not support and would like to see fewer houses to ensure there is sufficient space around the windmill.

A Cllr stated that some of the houses could be moved to the southern part of the site and sacrifice some of the green area at the bottom of the site.

Cllr Holmes stated that in her proposal to permit she mentioned she would like to see fewer houses than 39.

The Chair advised that they could not prescribe the number of houses as they have to deal with the application as it is, as up to 39 dwellings. If 39 is unacceptable, Members should be considering refusal.

Cllr Holmes withdrew her proposal to permit as she wants to see fewer houses.

The Regulatory Services Manager advised that if the application is permitted a condition could be added that the listed building and views need to be considered. The agent could then change the design or provide fewer dwellings. The layout is only indicative and therefore could change.

A Cllr was concerned that reducing the number of dwellings would mean the percentage of affordable housing would also be reduced.

Cllr Glancy proposed to permit the application with the various added conditions.

Cllr Wyatt seconded the proposal to permit.

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

Determination: PERMIT; subject to:

- (a) The completion of a s106 securing the obligations as set out in the report;**
- (b) The conditions as set out in the report**
- (c) The following additional condition:**

The reserved matters as required by condition 2 above, shall provide for a layout which respects the setting of the adjacent listed building (windmill) by :

- i. providing an undeveloped area in the north of the application site and
- ii. ensuring public views of the windmill between the dwellings on the site from both the public right of way and Saltby Road.

(d) Amendment to condition 11 – remove reference to need for trial trenching

(e) Section 106 to include contribution for secondary education

REASONS:

The Borough is not deficient in terms of housing land supply. The methodology used to demonstrate that there is a 5year supply has included sustainable sites, such as this, which have been scrutinised as part of the evidence supporting the new local plan.

Affordable housing provision remains of the Council's key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application represents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the housing need. Croxton Kerrial is

considered to be a reasonably sustainable location, with a range of facilities and capacity to accommodate growth. It is considered that there are material considerations of significant weight in favour of the application, and its partial alignment with the Pre-submission Local plan adds additional support.

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 green field state and the impact on the character of the rural village and approaches to it from the south and local heritage assets.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a green field site, landscape impact and impact upon setting of village and heritage assets – are considered to be of limited harm.

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 should be granted.

PL52.3

17/00950/OUT

Cllrs Chandler and Botterill returned to the meeting at 7.02pm. Cllr Greenow left the meeting at 7.03pm for the duration of the application.

Applicant: Mr Mark Greaves

Location: Land off Middle Lane, Nether Broughton

Proposal: Outline application for the erection of three dwellings

(a) The Planning Officer (JL) stated that:
No late items to report.

- Proposal for outline permission for 3 dwellings, all matters reserved, however details of the proposed access point has been included in the application.
- Main issues to consider are the sustainability of Nether Broughton and the erection of these three dwellings.
- Agent has provided options as to the type of dwellings to be constructed – not currently included as a condition or note to applicant but can be if the committee wish.
- Proposal also includes the applicant “gifting” land to the rear of the application site to the Parish Council for community use.

(b) Cllr Phil Dorn, on behalf of the Parish Council, was invited to speak and stated that:

- Historical land

- Designated to be environmental land in the Neighbourhood Plan
- Not supported by emerging or historical plans
- Difficult to farm land
- Agricultural machinery cannot access the land
- Overgrown
- Consistent with emerging plan
- Remaining 2/3rds of the land to be donated to the Parish Council
- Restoration work on pond
- Undertake grass cutting and hedge maintenance for 5 years
- Will meet requirements of footpaths and ramblers
- Donation of the field will preserve the area
- Benefits outweigh the harm

A Cllr asked if the land to be gifted has good access to it.

Cllr Dorn stated that there is access off Middle Lane to the development, and the footpath will be widened and used to give access for grass cutting machinery.

(c) James Caunt, an objector, was invited to speak and stated that:

- Neighbourhood Plan is important and carries a large weight with the community
- Direct conflict with plan
- Site is allocated as local green space
- Unsustainable - no shops, no school, reduced public transport
- Nether Broughton already has a significant 36% increase in housing supply
- No one is buying the current houses up for sale in the village
- Gift of land is significant - minded to remove objection if timescale is shorter than three years, if the Parish Council is satisfied with having to maintain the land once the 5 years is up, materials not raised in conditions are not alluded to, and the size of houses is limited.

(d) Mark Greaves, the applicant, was invited to speak and stated that:

- Longstanding part of community
- Field not farmed due to cattle escaping and being infected due to dog fouling
- Access, ecology, footpaths and rural character of site have been considered
- Utilise 1/3 of the site
- Dwellings respect the built form of Middle Lane
- Would respect the rural character
- Scale and size of dwellings not yet set as the application is outline
- Site linked to the village centre by footpaths
- No impact to adjoining properties
- 2/3 of field given to Parish Council to be preserved
- Meets local need

- Benefits outweigh harm

A Cllr asked if it could be conditioned that the donated land could not be built on.

The Head of Strategic Planning and Regulatory Services stated that the applicant can add any covenants in the process of transfer to the Parish Council, and there is no need for the Members to do so as any future development would require permission and would be controlled this way.

The Planning Officer (JL) responded to the objector's request for a shorter timescale and stated that the time period is a standard condition and it would not usually be reduced.

Cllr Holmes proposed to permit the application and stated it was nice to see an applicant giving something back.

Cllr Posnett seconded the proposal to permit and stated it is a good development, in tune with what people want and suitable size houses.

A Cllr stated that they were happy to support but would like to see the configuration proposed by the applicant that included bungalows.

Cllr Holmes stated she was happy to include this as a condition.

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

Determination: PERMIT, subject to the conditions as set out in the report and an additional conditions specifying that 2 of the dwellings must be bungalows.

REASONS: Whilst the provision of housing would contribute to the NPPF's objectives of boosting housing supply, the Borough is considered to have an adequate housing land supply. Therefore the weight attached to provision is limited. Nether Broughton is considered to be a relatively unsustainable location for housing development. However due to the small scale of the development proposed, the contribution the development would make in supplying housing which has been identified as in need by the Draft Neighbourhood and Local Plan, proposed gifting of the land to the Parish Council for community use and recent approvals in the vicinity, it is considered that there are factors in balance in favour of the application. On the balance of the issues, it is considered that the benefit the proposed development would have to housing supply and community use of the land, would outweigh the harm arising from the proposed development .

PL52.4

17/00507/COU

Cllr Greenow returned to the meeting at 7:27pm

Applicant: Mr Mike Timpson

Location: 2 Rutland Square, Barkestone Le Vale

Proposal: Conversion of former public house/restaurant/living accommodation into two dwellings

- (a) The Head of Strategic Planning and Regulatory Services stated that: New information had been received and needed to be considered, therefore a deferral was recommended.

The Chair proposed to defer the application.

Cllr Wyatt seconded the proposal to defer.

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

Determination: DEFER, to allow consideration of the new material recently received.

PL52.5

17/00837/FUL

Applicant: Mr Craig Smith

Location: Land off Main Street, Eaton

Proposal: Erection of four dwellings

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

There is one update to the report and this regards the comments of the Highway Authority, an amended layout plan was received on 29 September 2017, this was considered by the County Highway Authority who acknowledge the pedestrian links now provided from the parking areas through the back garden to the rear doors of Plots 1-3, which reduces the likelihood of residents parking on Main Street out of convenience.

As a result the County Highway Authority do not offer any objection to the proposal and have suggested 3 conditions which read as follows

Condition one

Notwithstanding the submitted plans, the proposed accesses shall have a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with 2 metre kerbed radii. Drainage shall be provided so water does not drain into the Public Highway and the access once provided shall be so maintained at all times. The visibility splays of 2.4 x 43 metres, once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Condition two

The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Main Street that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the LPA.

Condition three

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with

the revised layout plan. Thereafter the onsite parking provision shall be so maintained in perpetuity.

In so far as the application details, the proposal is a full application for 4 dwellings, the site is a brownfield site and therefore benefits from a presumption in favour of development, however Eaton is not considered a sustainable location for new housing development.

The application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The site is a brownfield site, having previously been used as a dairy and parlour but has been vacant for some time with permissions previously granted on the site for log cabins. It is considered that there are material considerations of significant weight in favour of the application, and its previous use land class adds additional support.

Balanced against the positive elements are the specific concerns raised in representations with regards to site levels and also the sustainability of Eaton.

In applying the test as required by the NPPF it is considered in this instance that the benefits outweigh the harm and permission should be granted as per the officer report.

Please note though, the conditions of the report would need amending to take into consideration the amended plan reference and the additional highway conditions suggested.

(b) Eric Luckwell, an objector, was invited to speak and stated that:

- Proposed access has potential to increase road accidents
- Fast traffic unable to see cars exiting and vice versa
- Traffic calming measures would slow this
- Overshadowing, overlooking, loss of privacy, noise and disturbance
- Out of scale
- Insufficient distance to building
- Garage could be converted to dwelling
- Condition for it to always remain a garage
- Water runoff concerns
- Add constraint to lower the site

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

- Well contained
- Significant improvement
- Consulted locals and feedback was taken into account
- Interest in dwellings already shown
- Ironstone and brick construction
- Access improved from previous scheme
- Improve visibility splays
- Mix of dwellings as required

- Local Plan confirms Eaton is sustainable for small scale development

A Cllr asked why an upstairs is needed on a garage and they would like to see the whole site lowered.

Mr Wilkinson explained the upstairs would be an office for the applicant, not living space and a condition could be added to prevent it being used as a dwelling. The previous scheme had no conditions regarding the site level however it could be looked into if it meets with Members' requirements.

The Chair stated that he was concerned with the levels particularly on the garage block.

Mr Wilkinson said he was happy to look at the levels at certain points of the site.

A Cllr asked if there would be access to the courtyard via the gate on the corner.

Mr Wilkinson said there would be a right of access however it could not be used for vehicular access.

The Planning Officer (LP) stated that the upstairs of the garage is intended to be used as an office and condition 11 states ancillary use. The levels of the site had a condition replicated as condition 5 from the previous application for log cabins. There is one access point for vehicles as stated in condition 1.

Cllr Baguley proposed to permit the application with the condition of levels lowered as in the previous application. Small developments in villages are needed.

Cllr Botterill seconded the proposal to permit with the three garages as single storey, the office added to applicant's house, and lowering of site nearest adjacent houses.

Cllr Baguley accepted the levels condition but not the single storey garages.

Cllr Wyatt seconded the application with the levels lowered to a minimum of a metre.

A Cllr asked for the Highways conditions to be added.

Cllr Baguley confirmed she was happy to take the conditions.

A Cllr stated they had concerns on the second storey on the garage as it could be turned into a granny flat or let out as commercial offices. Concerns on contamination of site.

A Cllr asked for the development to be built with the same materials of the barn conversions i.e. with ironstone

A Cllr asked for the conditions on the levels to be approved by the Committee and the Ward Member.

Cllr Baguley confirmed she was happy to include this and asked for a condition on contamination.

A vote was taken. 9 Members voted in favour of approval. 2 Members voted against approval.

Determination: PERMIT, subject to:

- (a) The conditions as set out in the report**
- (b) Additional and amended conditions as reported by the Planning Officer relating to highways, parking and the amended plan.**
- (c) An amended condition addressing site levels to ensure a reasonable relationship between the application site and neighbouring dwellings.**

REASONS: The Borough is not deficient in terms of housing land supply. The methodology used to demonstrate that there is a 5year supply has included sustainable sites, which have been scrutinised as part of the evidence supporting the new Local Plan.

The application site does not form a sustainable site and preforms poorly in the provision of and distance to services required for day to day living.

Housing provision remains of the Council's key priorities. This application presents a limited number of smaller housing that helps to meet identified local needs. Accordingly, the application represents a vehicle for the delivery of housing of the appropriate quantity, in proportion with the development and of a type to support the housing need.

The site is a brownfield site, having previously been used as a dairy and parlour but has been vacant for some time with permissions previously granted on the site for log cabins. It is considered that there are material considerations of significant weight in favour of the application, and it's previously use land class adds additional support.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the site levels and the sustainability of Eaton.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and the smaller units on a Brownfield site. The balancing issues – development in an unsustainable location and appearance – are considered to be of limited harm.

Applying the 'test' required by the NPPF that permission should be granted

	<p>unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission should be granted.</p>
PL52.6	<p>16/00733/FUL</p> <p>Applicant: Parochial Church Council, St Deny's Church Location: St Deny's Church, Church Lane, Eaton Proposal: Proposed disabled toilet extension with terne coated steel roof covering</p> <p>(a) The Head of Strategic Planning and Regulatory Services stated that: The applicant wished to defer the application.</p> <p>The Chair proposed to defer the application.</p> <p>Cllr Wyatt seconded the proposal to defer.</p> <p>A vote was taken. It was unanimously decided the application should be deferred.</p>
PL52.7	<p>17/01085/FULHH</p> <p>Applicant: Mr and Mrs Legge Location: 5 Ash Way, Frisby on the Wreake Proposal: Replacement porch</p> <p>(a) The Planning Officer (JL) stated that: No late items to report</p> <ul style="list-style-type: none"> • Applicant before committee due to the applicant being a member of staff. • Proposal for a porch to front of the property, requires planning permission as slightly over the allowances of permitted development. <p>Cllr Chandler proposed to permit the application.</p> <p>Cllr Posnett seconded the proposal to permit.</p> <p>A vote was taken. It was unanimously decided that the application should be permitted.</p> <p>DETERMINATION: PERMIT, subject to the conditions as set out in the report.</p> <p>REASON: The application site lies within the Village envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The proposed development has been designed to have limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area; and complies with highway requirements.</p>
PL53	<p>Urgent Business None</p>

The meeting closed at: 7.55 pm

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