

Minutes

Meeting name	Planning Committee
Date	Tuesday, 20 February 2018
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

Minute No.	Minute
PL78	<p>Apologies for Absence Cllr Posnett sent her apologies for being late to the meeting and missing the beginning of the first application.</p>
PL79	<p>Minutes Minutes of the meetings held on 11.01.18 and 01.02.18.</p> <p>In the Minutes of the Meeting held on the 11.01.18, Cllr Chandler noted that on page 5 in the first paragraph it reads “The application is outline only with a minimal level of information and though led than ideal”, this should be “less than ideal”.</p> <p>In the Minutes of the meeting held on the 01.02.18, Cllr Cumbers wished for the wording of the 11th paragraph on page 25 to be stronger and include a condition to involve ward councillors and Friends of the Country Park in the planting. Cllr Chandler stated that on application 17/01019/FUL the first speaker, Cllr Richard Bates, was not speaking on behalf of the Parish Council as recorded. Officers to write to the Parish Council for clarification.</p> <p>Approval of the minutes was proposed by Cllr Holmes and seconded by Cllr Cumbers. It was unanimously agreed that the Chair sign them as a true record.</p>
PL80	<p>Declarations of Interest Cllr Orson declared an interest on 17/00671/OUT as he would ordinarily speak as Ward Cllr, therefore Cllr Higgins would speak as a representative for the Ward instead.</p>
PL81	<p>Schedule of Applications</p>
PL81.1	<p>17/00671/OUT Applicant: Mr and Mrs William and Jane Grice Location: Land North of Main Road, Old Dalby Proposal: Outline application for residential development, car park and open space</p> <p>(a) The Applications and Advice Manager (LP) presented the report and stated that:</p> <p>This is an outline application for a residential development, car park and open space. Access is to be considered at this stage with all other matters reserved. The application documents state that the development will consist of 7 new dwellings, 3 number 3 bed bungalows and 4 number 4 bed chalet bungalows, along with a car park area for approximately 20 cars to be used by the playing field and school and would also provide some public open space. Since the publishing of the Committee report, three further letters of</p>

representation have been received, stating

- The proposal would transform Old Dalby into an urban sprawl with land that is present countryside being taken up by more housing.
- The proposal would bring negative consequences for residents and the environment, with an increase in volume of traffic passing through the village resulting in higher air pollution, accidents and traffic jams.
- Planning approvals have been granted for approximately 184 dwellings within Queensway/Dukes Road and Old Dalby with no increase in public facilities.
- The application is profit led with no regard for residents and the environment.
- It is doubtful that the proposed car park will be used with people picking children up and dropping them off outside the school gates.
- If the area is not lit then it will be a tempting area for young people away from prying eyes, if lit then there will be light pollution ruining the night sky.
- Old Dalby is a small rural village with very few amenities, and already going to have a lot of new housing
- The main road through the village already has to cope with cars speeding through on their way to the business park.

These points are similar to those already raised and responded to within the committee report.

A further representation has been received from Old Dalby Cricket Club, who have stated that they object to the notes referring to the application in that the car park is for the benefit of the playing field/cricket field. The cricket club have stated that this is not the case and that they have full use of the car park at the school which is totally sufficient for player/spectator parking, and that they would not like this to be used as part of the decision making as this isn't something that has been requested or supported as license holders of the playing/cricketed field.

They would also like to draw attention to the fact that the field has been, and is currently ankle deep in water since October last year, they are very concerned that this could pose a possible flooding threat to the cricket field, which would cause major problems and expense.

Along with these comments, clarification has been sought from the education authority with regards to the payment of contributions as part of this proposal should permission be granted. The Education Authority have confirmed that the threshold for seeking contributions is usually, the development of 10 or more dwellings; however there are a number of development of less than 10 dwellings within the catchment area of the Old Dalby Primary School, cumulatively the impact of these developments will have significant implications for education provision in the area. Section 106 contributions are therefore being sought to mitigate the impact of this and other developments. The funding will be used to expand the Old Dalby Primary School and either the Long Field School or John Ferneley College.

Therefore a contribution request of £29,534.79 as set out in the report is considered proportionate with the proposed development and is considered to be necessary and specific to the increase in pupils the propos would bring and is therefore considered compliant with CIL Regulation 122.

The agent has commented that there is a potential discrepancy in the report regarding the primary school numbers, in that the report states that there is a deficit of 19 school space, 17 existing and 2 created by this application. At the last committee meeting application reference 17/00397/FUL – Station Lane reported a deficit of 29 school spaces after approval of that application, the agent has therefore used the figure of 31 spaces in deficit should the application is approved.

The variation is due to timings between consultation feedback on the 2 applications, if members are minded to approve the proposal they may wish to request up to date figures to be obtained prior to a Section 106 agreement being instructed upon.

The Borough is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, despite Old Dalby being considered a sustainable location for housing having access to various facilities, primary education, local shops and a regular bus service, the site is not allocated as a site for housing in either the emerging Local Plan or 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 especially in terms of housing supply, however the weight attached to the site not being allocated for housing and also the location of the site being outside of the built up confines of Old Dalby on land that provides part of the rural setting to the village outweigh the benefits in this instance, as such the application is recommended for refusal for the reason as set out in the report.

The Chair asked Members if they would suspend standing orders to allow two objectors to speak.

Cllr Holmes proposed to allow this, and was seconded by Cllr Wyatt. It was unanimously decided that it would be allowed.

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

- Site is not designated for housing
- Outside of proposed limits of development
- Not supported by the Neighbourhood Plan
- Designated area of separation
- Site is separated from school land by Dalby Brook – harm to environmental setting
- Lack of need for car park
- Harm to setting

Cllr Posnett joined the meeting at 6.22pm. Due to missing the start of the

application, she was unable to vote.

- (c) Victoria Lee, on behalf of the pre-school, was invited to speak and stated that:
- Neutral to the proposal
 - Pre-school has no requirement for a car park so should not be a reason to permit

A Cllr noted that houses that have already been passed will be built and there will more than likely be pre-school children from this.

Ms Lee stated that the pre-school is not currently at its full capacity. They are less likely to need the carpark because of the age of the children – parents will not walk the distance from the carpark to the pre-school with young children.

A Cllr asked if there was any school transport at Old Dalby.

Ms Lee stated that there was some transport to John Ferneley, and a bus to Nether Broughton but not to Melton.

A Cllr clarified that a service bus goes from Nether Broughton to Queensway to Old Dalby.

- (d) John Harper, an objector, was invited to speak and stated that:
- Contrary to Local Plan and Neighbourhood Plan
 - Area of separation – contravenes Neighbourhood Plan
 - Unsustainable
 - Adverse impact
 - Harm outweighs benefits
 - Outside specifications limits to build
 - Need to protect the green space and wildlife
 - No support from residents
 - Inappropriate location
 - School adopted neutral approach, parents will not use

- (e) Richard Cooper, the agent, was invited to speak and stated that:
- Balance of competing objections
 - Benefit to community
 - Addition of open space and play area
 - Contributions of £14,000
 - Newly approved developments will add to carpark problems
 - School is landlocked
 - Community amenity – Policy CF2 supports this
 - Screening and appearance will be dealt with in full application
 - Benefits outweigh harm
 - Provides options for the future

A Cllr asked what process the applicant had gone through to include parking.

Mr Cooper stated that there was a long history, but the applicant had been approached by members of the community.

- (f) Cllr Leigh Higgins, as Ward Councillor representative, was invited to speak and stated that:
- Support recommendation
 - Encroaches on area of separation
 - Contrary to Local and Neighbourhood Plans
 - Carpark is not a benefit - would prefer further negotiation of what could be achieved
 - Application is only outline and could change at the full application stage

A Cllr asked where the area of separation is.

The Applications and Advice Manager showed the Members the location of the area of separation from both the Neighbourhood Plan and the Local Plan. Clarified reason for refusal and stated that the area of separation is not in the recommendation and if minded to refuse this wording needs to be added.

Cllr Chandler proposed to permit the application as bungalows are much needed.

Cllr Holmes seconded the proposal to permit and added that bungalows are affordable and elderly people like to live in bungalows.

A Cllr disagreed with this and stated that not all elderly people like to live in bungalows and that the argument to allow the application just because of the bungalows is insufficient.

A Cllr agreed with this and stated that the main factor is that it goes against the Local and Neighbourhood Plans.

A vote to permit the application was taken. 2 Members voted to permit. 6 Members voted against. 2 Members abstained.

Cllr Wyatt moved to refuse the application.

Cllr Cumbers seconded the proposal to refuse and added the reason of the site being an area of separation.

A vote was taken. 6 Members voted in favour of refusal. 2 Members voted against. 2 Members abstained.

Cllrs Chandler and Holmes wished for their votes against refusal to be recorded.

DETERMINATION: REFUSED, for the following reason:

In the opinion of the Local Planning Authority the proposed dwellings would occupy a site outside of the built up confines of Old Dalby on land that provides part of the rural setting to the village and forms part of a designated area of separation. The introduction of seven residential units and parking would result in the erosion of the rural character and appearance of the open countryside, eroding the clarity of the eastern approach to the village through a new development which would detract from the open nature of this rural approach. The proposal is therefore contrary to Policies BE1 and OS2 of the Melton Local Plan, Policies S2, H1, ENV1 and ENV7 of the Broughton and Dalby NP, Policies SS2 and EN4 of the emerging Melton Local Plan and the NPPF. These policies seek to ensure a satisfactory appearance to development and to restrict inappropriate development in the countryside and to protect important open spaces and areas of separation.

PL81.2

17/00996/OUT

Applicant: Breydon Construction

Location: OS Field Number 0349, Manor Road, Easthorpe

Proposal: Erection of up to 18 dwellings with associated access, drainage infrastructure and amenity open space.

- (a) The Applications and Advice Manager presented the report and stated that: This application seeks outline planning permission for up to 18 dwellings with associated access, drainage infrastructure and amenity open space. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application. Since the publishing of the report, there have been several updates received. The Conservation Officer has submitted his comments to the proposal, members will have seen these in full but to summarise the comments conclude that conservation recognises the viability of development in this location and does not object to the principle of new housing in this location. Development along the fringes of the application site would represent a logical continuation of the surrounding urban grain, while additional plots, reduced in size, could be located at the immediate rear of the street facing properties in the style of agricultural outbuildings. However it is clear this would not amount to 18 dwellings and recommends that a significant reduction in the number of units is agreed, and the harmful density of the scheme addressed, before any approval is granted. Archaeology have also commented further on the submitted information, the site has since been subject to trial trench evaluation, which identified remains of contemporary date to the scheduled monument to the immediate north. It is recommended that this information is provided by the applicant to inform both the current determination and any further detailed layout and landscaping designs for the site. In principle archaeology do not object to

the application, provided an appropriately worded condition is applied to any permission granted. However, they would advise that the application should seek to preserve main in situ where possible, in combination with the use of landscaping and public open space. Where it is not possible they would expect a level of mitigation to be undertaken. In this case, it is likely that archaeological area excavation would be the only mitigation appropriate. Conditions requiring a programme of archaeological work and the submission of a written scheme of investigation and its publication have been requested, these can be found as suggested conditions 12, 13 and 14 within the committee report.

Going back to the application details, the Borough is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its greenfield state and the impact on the character of the rural village and the allocated area of separation, however in conclusion it is considered that on 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 and the area of separation are considered to be of limited harm.

This is because, in this location the site benefits from a range of services in the immediate vicinity and nearby which mitigate the extent to which travel is necessary and limits journey distance, the character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities, the site is also allocated for development in the submitted Melton Local Plan, albeit for a reduced number to that proposed.

As such the application is recommended for approval subject to conditions as set out in the report.

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

- Description of Easthorpe as a rural hub is incorrect
- No facilities – closest is Bottesford
- Hamlet of 77 homes with 8 more being built. This application will mean a growth of 33% which is too much
- 1 layer deep hamlet – this application will create more depth
- Within area of separation

A Cllr asked what stage of the Neighbourhood Plan has reached.

Cllr Bayman stated they are at consultation stage.

(c) Joanne Althorpe, the agent, was invited to speak and stated that:

- Site allocated for 12 dwellings in emerging Local Plan

- Application informed by technical evidence and illustrative layout
- Rounds off the development to the west
- Mixed dwellings including smaller affordable units
- Suitable density
- Screened from scheduled monument and listed buildings
- Some impact on setting of conservation area although the screening means the impact is less than substantial
- Historic England stipulated that to limit impact on the monument the existing frontage planting should be retained and access taken from Green Lane, which are accounted for
- Not cramped
- Deemed appropriate by technical consultees
- Adds to housing land supply
- Benefits outweigh harm
- Addition of affordable housing and open space
- Close to facilities in Bottesford

A Cllr asked for clarification on the range of services available in the immediate vicinity. Bottesford is not immediate.

The Applications and Advice Manager confirmed that this was referring to Bottesford.

Cllr Chandler proposed to permit the application as the land is pasture land, there is a good mix of houses – 37% of which are affordable. There was an application previously refused on the grounds that the area was unsustainable however it was passed at appeal because of the facilities in Bottesford.

Cllr Botterill seconded the proposal to permit and stated that it would be a nice development.

A Cllr noted that whilst they were happy to support, there should be a condition to include a play area as per Policy H11.

The proposer and seconder were happy to include this.

The Applications and Advice Manager highlighted that condition 3 only provides a mixture of types and affordable housing needs adding in as a condition.

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

DETERMINATION: PERMIT, subject to the conditions as set out in the report and an additional condition:

The reserved matters as required by condition 2 above, shall provide full

details of an on-site play area (including grass seeding/turfing, planting, fencing, safety surfacing, play equipment, seats, litter bins and lighting). The approved play area shall be so retained solely for the purpose of children's recreation.

REASONS: The Borough is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to more than seven years.

Affordable housing provision remains one of the Council's key priorities. This application presents some affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Easthorpe is considered to be a relatively sustainable location in close proximity to Bottesford therefore having access to employment, health care facilities, primary and secondary education, local shops, and regular bus and train services. It is considered that there are material considerations that weigh in favour of the application.

There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage.

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 the allocated area of separation.

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 and the area of separation – are considered to be of limited harm.

This is because, In this location, the site benefits from a range of services in the immediate vicinity and nearby which mitigate the extent to which travel is necessary and limits journey distance, the character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities, the site is also allocated for development in the submitted Melton Local Plan.

PL81.3

17/01139/FUL

Applicant: Mr and Mrs Jinks

Location: Land adjacent The Hall, Main Street, Gaddesby

Proposal: Proposed two storey dwelling (with ground floor being subterranean).

- a) The Conservation Officer (TE) presented the report and stated that:
The proposal seeks planning permission for a proposed two storey dwelling with the ground floor being subterranean within the grounds of Gaddesby

Hall. The proposed development site is located within the immediate setting of Gaddesby Hall a grade II listed building as well as the wider setting of the Grade I listed church of St Luke's.

Since the publication of the report the applicants have submitted a letter which sets out their justification of the proposal in terms of Access, trees, Conservation Area, The site and the Development Principles, this letter has been circulated to members at the request of the agent. A further letter of objection has been received which raises concern in terms of archaeology, North Hall Drive and the Melton Local Plan, these points have been discussed and considered as part of the committee report.

Going back to the application details, the primary consideration to arise from neighbour objections relates to the addition of more cars on a private drive that is only single width. The increased capacity of cars using the drive through the provision of one new dwelling is not considered sufficient grounds to warrant a refusal.

It is considered that the issue of new residential development in a sensitive location within the Gaddesby conservation area requires good quality contemporary design, to ensure there is limited impact and harm to the character of the conservation area and the legibility of the listed buildings. Strict conditions have been suggested on materials as part of any subsequent approval to ensure the innovative design appears in accordance with the plans submitted as such the application is recommended for approval subject to the conditions set out in the report.

b) David Batchelor, an objector, was invited to speak and stated that:

- Road dangerous at exit to Main Street
- Cars park on road and traffic comes through at 30mph
- Wide vehicles have to negotiate a narrow road and steep incline
- Harmful impact on setting of the church – not heavily screened

c) Helen Broadhurst, the agent, was invited to speak and stated that:

- Within village envelope
- Sympathetic to conservation area
- No objection from Historic England
- Uncluttered
- Only view of lower storey is from the driveway
- Screening retained and additional provided
- No glare or reflection on church
- Additional landscaping
- No protected species
- Road upgraded to provide passing places
- No objection from LCC Highways
- Historic sensitivity addressed

A Cllr asked if the willow tree will be retained.

Ms Broadhurst stated that it would.

A Cllr asked if the yew trees would be protected.

Ms Broadhurst stated that all trees on the boundary will be retained and protected.

A Cllr asked if an archaeological study had been done.

The Conservation Officer stated that LCC Archaeology has been contacted and this has been asked for as a condition.

d) Cllr Janet Simpson, the Ward Councillor, was invited to speak and stated that:

- Road entrance widened and improvements made with the inclusion of passing places
- Supported by closest neighbour
- Difficult to see the church due to houses on both sides anyway

Cllr Baguley proposed to permit the application as it is a wonderful design and was pleased the trees will be retained.

Cllr Glancy seconded the proposal to permit and stated that it will be a good prospect provided it stays as intentionally planned.

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

DETERMINATION: PERMIT, subject to the conditions as set out in the report, for the following reasons:

It is considered that the application is acceptable for its location by virtue of its high quality design and architectural detailing. The building provides an innovative response to the provision of a new dwelling in a sensitive position with two listed building flanking its front / rear elevations. The accommodation is provided by introducing a subterranean element at basement level with the ground (upper) floor level remaining at standard single storey eaves height. The use of English garden wall bond reclaimed brickwork will ensure the building appears as a contemporary interpretation of an outbuilding to a country house / hunting lodge.

Any identified harm to the adjacent heritage assets caused by the new development will be mitigated by the removal of an unsightly close boarded fence around the perimeter, to be replaced with attractive hedge planting. The site presently appears as an undeveloped plot of building land and if a new dwelling is to be provided in this location, it is the consideration of MBC Conservation that this is the most viable solution.

The primary consideration to arise from neighbour objections relates to the addition of more cars on a private drive that is only single width. The increased capacity of cars using the drive through the provision of one new dwelling is not considered sufficient grounds to warrant a refusal.

The applicant has submitted a comprehensive heritage statement which has identified the significance of the adjacent listed buildings, and it is clear that the proposal is considered acceptable in accordance with paragraph 131 of the NPPF which recognises the desirability of new development to make a positive contribution to local character and distinctiveness. The proposal would make an overall neutral / marginally positive contribution to the historic environment at Gaddesby Hall.

It is considered that the issue of new residential development in a sensitive location within the Gaddesby Conservation Area requires good quality contemporary design, to ensure there is limited impact and harm to the character of the Conservation Area and the legibility of the listed buildings. Strict conditions have been placed on materials as part of any subsequent approval to ensure the innovative design appears in accordance with the plans submitted.

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 on the balance of the issues, permission should be permitted.

PL81.4

17/01389/FUL

Applicant: Mr and Mrs Kavan Brook Shanahan

Location: Butlers Cottage, 11 Somerby Road, Pickwell

Proposal: Demolition of dwelling and the construction of 5 "Alms Style" 2 storey dwellings and associated gardens and garaging off a new single access from Somerby Road.

The Chair advised that there had been a very late submission by the agent this afternoon which needs to be reviewed.

The Head of Strategic Planning and Regulatory Services added that the new submission introduces a new aspect to the scheme and creates a significant change.

The Chair proposed to defer the application.

Cllr Wyatt seconded the proposal to defer.

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

DETERMINATION : DEFER to allow the recently submitted amendments to the proposal to be considered.

PL81.5

17/01552/FULHH

Applicant: Mr John Leach

Location: The Poplars, Waltham Road, Thorpe Arnold

Proposal: Convert and alter existing kennels to form double garage and annexe.

(a) The Applications and Advice Manager presented the report and stated that:
This is a householder application to convert and alter an existing block of kennels to form a double garage to the front and annexe accommodation to the rear. The application is presented to the committee due to the applicant being related to a member of council staff.

The proposal will form internal works and the walls will be raised by one layer of block work with a pitched roof also being added, the original building is not being extended as part of the proposal.

The proposal is to be conditioned to be ancillary to the main dwelling, and is therefore acceptable, with no impact upon highway safety nor impact upon neighbouring dwellings, as such the proposal is recommend for approval subject to conditions as set out in the report.

Cllr Wyatt proposed to permit the application.

Cllr Botterill seconded the proposal to permit.

A Cllr had concerns that the house could be split in future and 2 dwellings created. Asked for permitted development rights to be removed.

The proposer and seconder were happy for this to be included.

Cllr Chandler stated that she would not vote as she had not attended the site visit.

A vote was taken. 10 Members voted to permit the application. 1 Member abstained.

DETERMINATION: PERMIT, subject to the conditions as set out in the report and an additional condition removing permitted development rights

REASONS: Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

REASON: The proposal would convert an existing building into an annexe which would be ancillary to the main dwelling and could be controlled by a condition; as such, the proposal is acceptable in principle. The proposed development has been designed to have limited impact on adjoining properties and would reflect the character and appearance of the surrounding area. The proposal would not have an adverse impact on highway safety. Accordingly, the proposal complies with the above policies and guidance and permission is warranted.

PL82

Urgent Business

The meeting closed at: 7.38 pm

