MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

10 March 2016

PRESENT:

J Illingworth (Chair), J Simpson (Vice Chair), P Baguley,
G Botterill, P Chandler, P Cumbers, M Glancy,
E Holmes, P Posnett, J Wyatt

Solicitor to the Council (VW), Head of Regulatory Services,
Applications and Advice Manager (JW)
Administrative Assistants (AS, LR)

D77. APOLOGIES FOR ABSENCE

None

D78. DECLARATIONS OF INTEREST

With reference to application 16/00004/FUL - Cllrs Chandler, Wyatt, Cumbers, Illingworth and Posnett noted that they are all members of the Cattle Market working group. They had all left the room during the working group meeting when the planning application was being discussed.

D79. MINUTES

Minutes of the meeting 18 February 2016

Cllr Chandler asked that the minutes be amended to reflect her request for a recorded vote against application 14/00777FUL. (Page 180)

Cllr Baguley also requested the same amendment for her own vote against application 14/00777/FUL.

The Head of Regulatory Services stated that he had been approached by Mr Lusty who had spoken at the committee on 18th February regarding application 14/00777/FUL and had asked for some clarification to the wording of his speech and

the precision of the condition regarding levels.

1. Page 178 - With regards to the point road safety – Mr Lusty had said a more accurate representation would be *"The layout of the western entry is unacceptable, in that vehicles entering at that point, other than the two householders, will be forced to reverse out on to High Street past Bryn Barn, which is a dangerous manoeuvre".*

2. Page180 – With regards to Cllr Glancy seconding Cllr Wyatt's motion to approve application 14/00777/FUL and adding a condition requiring details of levels across the whole site. Mr Lusty had asked if this could be more precise and read as *"A condition reducing the effective height of the houses by controlling the site levels"*

Members agreed to accept the suggested amendments.

Cllr Simpson and Cllr Posnett noted that they weren't present at the previous meeting so wouldn't be making any comments or voting regarding the minutes.

Approval of the Minutes was proposed by Cllr Holmes and seconded by Cllr Baguley The 8 Members of the Committee who had attended the previous meeting voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

D80. SCHEDULE OF APPLICATIONS

(1) Reference: 15/01011/OUT
Applicant: K & A Watchorn & Sons – Mr M Watchorn
Location: Field 1357, Melton Road, Waltham On The Wolds
Proposal: Residential development of up to 45 new dwellings, together with new areas of public open space, access, landscaping and drainage infrastructure.

(a) The Head of Regulatory Services stated that: Repeat application following refusal in December, the details reproduced on page 2. The main difference is the increase in affordable housing to 36%.

Information has been circulated following request made at briefing in relation to the access.,

To articulate the approach to drainage, he displayed an extract from the FRA/drainage strategy. The attenuation pond has been calculated to need to be 590m^3 capacity and its details would need to be the subject of detailed design (plans remain illustrative)
He reported that 2 additional objections have been received:

- The application does not deal with the community impact that a development of this size will create.

- There is no mention of what assistance the school will receive given the potential increase in numbers. The school is already at their real capacity levels & not those suggested on paper.
- No suggestions to improve the traffic concerns for the main road. The main road is a serious concern. This will only worsen the situation instead of improving it.
- This application is not in keeping with the village
- No changes from the first application: The housing does not seem ideal for the village, as planned, the infrastructure also seems inadequate.

(b) Cllr Martin Lusty, on behalf of Waltham Parish Council, was invited to speak and stated that: he felt that there had been errors and omissions in the report.

- The application is for multi storey 1-5 bedroom properties not single story 2-3 bedroom properties.
- No actual changes to application apart from drainage.
- Photo of ground water flooding hasn't been included.
- Concerns regarding the school – although it has been confirmed there are spaces for extra children, it hasn't taken into account the practical issues of a very old building and the significant health, safety and wellbeing issue. Funding from the development for the school is essential. The Committee previously refused this application on 4 counts, 3 of which haven't been addressed.
  1. Over development of site and out of keeping with surroundings.
  2. Insufficient contribution to the local infrastructure. Applicants haven't engaged with local community to address this.
  3. No further thought to road safety and accident prevention. Visibility poor due to bend in road. Development is on the opposite side of the road to the school.
- NPPF principle - Empowering local people to shape their surroundings. Waltham residents are strongly against developments of this size and type.

(c) Natalie Roberts, on behalf of the objectors, was invited to speak and stated that:

- Not a suitable location for the number of proposed homes.
- Concerns regarding impact on an already busy road. Extra traffic and new access will make the road more hazardous.
- Extra traffic is already expected from the approved planning application for Shepherds huts/holiday accommodation on the same side of the road.
- More children trying to cross the busy road.
- This development would change the character of the village.
- Existing access to farmers field will be blocked off 30/40 yards along the track from Melton Road. Concerns regarding responsibility of the

maintenance of the farm track and potential for fly tipping.

- The Draft local plan looks to increase the number of homes in Waltham by 100 between 2011 and 2036. Planning permission already granted for 59 properties. Over development of a village. Hit target almost 20 years early.

(d) Tim Love, agent for the applicant, was invited to speak and stated that:

- The applicants have worked hard to overcome previous grounds for refusal.
- Highway safety – Leicestershire County Council have no objections subject to conditions.
- Insufficient provision of affordable housing – increased by 2 properties.
- Over development of the site– this development is at a density of 23 dwellings per hectare. Below the acceptable limit of 30 per hectare.
- Insufficient contribution to local infrastructure – all requests are being met, including travel packs, bus stops, bus passes, contributions to libraries and waste services. Education authority confirmed there are existing surplus places at the school to accommodate the requirement of this development.
- Housing shortfall – chronic shortfall of affordable homes. Meets deficiencies. This will help young people get on to the housing ladder. Generate new homes bonus payments.

Cllr Holmes asked who the agent had spoken to with regards to education. Concerns regarding the number of children.

Mr Love confirmed they had consulted the Local Education Authority and their assessment concluded that there were surplus places at the school even after accommodating this proposed development.

Cllr Glancy asked about the makeup of the houses.

Mr Love responded that it is outline application with a principle of 45. Would be looking for a full mix of houses 2/3/4/5 bedroom homes with 16 affordable houses.

Cllr Glancy asked how many storeys the properties would be.

Mr Love responded that they would mostly be 2 storeys.

Cllr Glancy asked for the number of proposed 3 storey properties.

Mr Love responded that it is an outline application and there is not that detail yet. This would be considered at the reserved matters stage if it gets that far.

Cllr Botterill asked if they would consider putting in a crossing for the children.

Mr Love responded that the application already contains a central refuge and that they addressed everything that had been asked of them by highways.

Cllr Botterill raised concerns regarding children's safety.

The Head of Regulatory Services commented that he couldn't find the error regarding the type of houses that had been referred to by Cllr Lusty and addressed other comments by speakers.

- Cllr Lusty's comments regarding - No empowerment to shape surroundings. This opportunity is provided by the neighbourhood plan. Waltham have not developed a neighbourhood plan.
- Mr Love's comments regarding – Infrastructure, libraries given more detail. New local plan should have no bearing on tonight's considerations as it is too premature.

Cllr Holmes noted that the Waltham local plan group are getting on well with it and working hard on it. Not in early stages.

Cllr Chandler asked for further information regarding the Shepherds huts/holiday homes approved application as mention by Mrs Roberts.

Mrs Roberts explained the application.

The Head of Regulatory Services provided further information regarding the shepherds huts and other developments within the area. 7 or 8 houses have been approved just off the A607 and an application on High Street has not been approved at present, subject to a s106.

Cllr Baguley commented that she wasn't sure what the housing need is for Waltham and that 77 seemed a lot.

The Head of Regulatory Services advised Members to steer away from the new local plan as it is not yet adopted or close to adoption. He also reminded Members that they are looking to meet the need for housing Borough-wide.

Cllr Baguley commented that sometimes the reports showed housing needs for each village.

The Head of Regulatory Services responded that this would be, for example, when there was a specific local need for affordable housing.

Cllr Holmes proposed to defer the application due to concerns about road safety. She commented that on the site visit, a lorry had passed by very closely to pedestrians and suggested another site entrance would be safer. She also asked if the affordable houses were going to be shared equity.

The Head of Regulatory Services commented that the affordable housing

would be included in the Section 106 and a 75/25% split between shared ownership and social rented is normally required. With regards to the deferral it would be tantamount to refusal as it is in effect stating that the proposed entrance is perceived as unacceptable. It would require more than an amendment to the application as it is beyond the extent of the application site.

Cllr Holmes commented that she would prefer deferral because there other factors to consider such as the Shepherds huts. She also asked if there can be a Section 106 agreement to stop any further development.

The Head of Regulatory Services there would have to be a fresh application if the applicant wanted more than 45 anyway and thus those controls would already be in place

Cllr Holmes commented that they should defer until the entrance was put in the correct place.

The Head of Regulatory Services advised Members that it would constitute a refusal.

Cllr Holmes withdrew her original proposal for deferral and proposed refusal on the grounds of highway safety with regards to the site entrance and associated highway safety.

Cllr Holmes proposal failed to be seconded.

Cllr Baguley asked if there are enough grounds for a refusal and added her concerns regarding the highway safety especially for children.

The Head of Regulatory Services confirmed that the grounds proposed aren't considered strong enough because Highways consider the application acceptable.

Cllr Baguley asked what the expected increase in traffic would be.

The Head of Regulatory Services responded that a Traffic Impact Assessment had been carried out that calculated approx.30 additional movements at the peak hours of the day.

Cllr Cumbers asked if the application was permitted could there be a crossing.

The Head of Regulatory Services commented that the proposal already includes a crossing but if they wanted a different type of crossing it would have to be done via a section 106 as conditions were not appropriate for 'off site' works. If we fail to secure it, we would bring it back to conclude on the matter without it.

Cllr Cumbers proposed approval of the application with the provision of a

suitable with crossing.

Cllr Chandler noted that you have to meet certain criteria to get a crossing. **Cllr Chandler seconded the proposal** as there are no grounds for refusal. School places not a problem and it is more in danger of being closed. Affordable houses are needed. Waltham is a desirable village. New comers will keep the school, shops and pubs open and this will only happen if more people come to the villages.

The Head of Regulatory Services commented that they can't condition a crossing as it is not in the applicant's control. A Section 106 needs to be agreed with highways.

Cllr Glancy raised concerns about the size of the school and the lack of amenity at the school as they have to use the village hall. Also concerns regarding extra traffic coming into the village. She commented that the school can apply for a crossing. Concerns regarding the lay of the land and 3 storey houses overlooking existing houses.

The Head of Regulatory Services advised that it is an outline application so the reserved matters application would deal with these details. Maximum of 2 and a half stories. Only condition if absolutely necessary to grant permission.

Cllr Holmes commented that the education committee could put a proper zebra crossing in.

A vote was taken. 9 Members voted to permit the application. There was 1 abstention.

DETERMINATION: PERMIT, subject to the completion of a s106 agreement including the measures set out in the report and a further measure requiring a formal, controlled, pedestrian crossing, and subject to the conditions set out in the report.

For the following reasons:

There are significant benefits accruing from this revised proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issue is considered to be development of a greenfield site.

The issue of development a greenfield site is considered to be of limited harm, bearing in mind its location and the absence of any identification that it is of particular landscape value.

Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the

benefits; it is considered that permission can be granted

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(2) Reference: 16/0004/FUL
Applicant: Melton Borough Council – Mr David Blanchard
Location: Cattle Market, Scalford Road, Melton Mowbray
Proposal: Creation of a temporary access for the Cattle Market. Works include widening an existing access and demolition of a small lean to brick building (3m x 4m).

(a) The Applications and Advice Manager stated that:

This application seeks permission for the creation of a temporary access, including the widening of the existing access and demolition of a small lean to building. The temporary access arrangements are sought to enable the Cattle Market to remain open and functioning during the construction works. The access and egress are proposed onto the Nottingham Road utilizing existing gates.

There are no updates to report.

It is considered that an additional condition is required to restrict the use of the access for a temporary period and it is requested that this additional condition is imposed on the proposal.

The proposal access and egress is considered to be acceptable and the proposed widening for the access and demolition is considered acceptable. As such the application is recommended for approval as set out in the report.

(b) Cllr Joe Orson, was invited to speak with the Chair's agreement and stated that:

- The cattle market is in a unique town location.
- This project has been running for 10 years and has had overwhelming support.
- Secure live stock trading for at least another 20 years.
- 98% of locals have a positive view of the life stock market.
- Received £3.5 million pounds.
- Once completed it will enhance Melton Mowbray as a leading market town.

Cllr Holmes proposed approval as it is a benefit to the town.

Cllr Botterill seconded the proposal.

Cllr Wyatt asked about the construction arrangements on market day (Tuesdays).

The Application and Advice Manager confirmed that the team are working closely with market partners to minimise disruption on market days. They are not saying there will be no movement on a Tuesday but it is in the contract to minimise construction on these days.

A vote was taken. The Members voted unanimously to a permit.

DETERMINATION:PERMIT, subject to the conditions set out in the report and an additional condition limiting the use of the access to a temporary, defined, period, for the following reasons:

The application seeks to create a temporary access and egress to the Cattle Market site from Nottingham Road during construction works to allow the market to continue to function during this time. Whilst not ideal, subject to conditions as proposed by the Highways Officer, the temporary access and egress in this location is preferable to the Scalford Road entrance / egress to the site. The demolition of a small building to allow for vehicle tracking is considered appropriate and will not harm the character and appearance of the area or the street scene.

As such, the proposal is considered to meet the objectives of policies OS1 and BE1 of the Melton Local Plan, and the relevant sections of the NPPF.

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(3) Reference: 16/00016/COU
Applicant: Mr S Plews
Location: 11A Burton Street, Melton Mowbray, LE13 1AG
Proposal: Change of use to micro-pub.

(a) The Applications and Advice Manager stated that:

This application seeks a change of use of part of a building from a shop to a Public House on Burton Street within the town envelope. The site lies within the town centre of Melton Mowbray and has previously been used as a café.

Since publication of the report a further 3 letters of support have been received. They state that the micro pub will further enhance the town's reputation for fine food and ale. There are a number of pubs within Melton but none fully cater for this growth in the real ale market. This will add to the choice within Melton and should bring further trade and visitors to the town. These types of new ventures are vitally important to the areas in which they are opened and are run solely to promote the consumption of, mostly, quality beers brewed by small brewers not usually available to the large pubs, thus supporting enterprise elsewhere. None

that I have visited have been affected by rowdy behaviour as they tend to be used by beer enthusiasts and attract a regular clientele. They also become 'destination' venues attracting visitors from elsewhere.

The comments have been noted and it is considered that they do not raise any new points to those raised within the committee report.

The application is considered to utilise a vacant unit contributing to the local economy and the town centre. It is considered that the proposal would have a minimal impact on the Conservation Area or Listed Building and would not be detrimental to the character of the area or the adjoining properties. As such the proposal is recommended for approval as set out in the report.

Cllr Holmes proposed approval.

Cllr Cumbers seconded the proposal and commented that there no mention of flood risk assessment or is it too high.

The Applications And Advice Manager confirmed that because it is a Change of Use application and commercial use it doesn't have the same requirements as residential. It is not considered high risk and the site is quite high.

Cllr Simpson offered her support. It is a niche business which should be encouraged and could be a visitor attraction.

Cllr Botterill asked what it a microbrewery/pub.

The Chair explained that the micro pub will be a retail outlet for specialist ales which are brewed by micro-breweries.

A vote was taken. The Members voted unanimously to permit.

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

The existing unit is currently vacant and the principle of development is supported in that it would bring an empty unit back into a commercial use, which would contribute to the local economy. Furthermore, the application site falls within Melton Town Centre and is not within a primary or secondary shopping frontage. As such the proposed use is acceptable in principle.

The application site falls within in a Conservation Area and 11 Burton Street is a Grade II listed building, there would however be minimal alteration to the building with no changes at present to the existing shop front as such the proposal would not be detrimental to the character and appearance of the area.

In terms of residential impact, the applicant does not propose any amplified

sound with a condition requiring the submission of details, should this later be requested. The hours of opening and deliveries have been conditioned to ensure that there is no disturbance to occupants of nearby residential dwellings during night time hours.

As such, the proposal is considered to meet the objectives of policies OS1 and BE1 of the Melton Local Plan, and the relevant sections of the NPPF.

D81. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 7.10pm