



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

09 December 2015

PRESENT:

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

Solicitor to the Council (VW), Head of Regulatory Services
Regulatory Services Manager (PR), Administrative Assistant (KS)

D55. APOLOGIES FOR ABSENCE

Cllr Illingworth and Cllr Posnett

D56. DECLARATIONS OF INTEREST

None

D57. MINUTES

Minutes of the meeting 19 November 2015

Cllr Chandler wished for the wording on page 127 to be changed from “I have not seen evidence that it has been promoted as this type of use” to “I have not seen evidence that it has not been promoted in this way”, and on page 129 “It would be a shame to allow it and then we need it for industrial use” to “would be a shame to allow it and then find the need for industrial use”.

Approval of the Minutes was proposed by Cllr Holmes and seconded by Cllr Cumbers.

The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

D58. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 15/00247/FUL
Applicant: Brooksby Melton College
Location: Brooksby Melton, College, King Street, Melton Mowbray, LE13 1XA
Proposal: Affordable housing development of 25 units. Comprising of 22 flats and 3 dwellings.

- (a) The Head of Regulatory Services stated that there were no updates to be provided and outlined the content of the application, and the key issues regarding design and heritage.
- (b) Mr J Pyper, the agent, was invited to speak and stated that:
- Sustainable location
 - Provision of necessary subsidiary
 - Provide finance assistance
 - History of shortfall of housing in Melton Borough Council
 - No issues from statutory consultees in terms of highways and design
 - Benefits outweigh any harm

Cllr Faulkner asked how many years were left to run on the leasehold.

Mr Pyper replied approximately 200 years.

Cllr Simpson noted that the units were affordable; however they were going into the housing association scheme. She asked if this was correct.

Mr Pyper confirmed this and stated that the units will be transferred and it would be ensured that they remain affordable.

Cllr Holmes proposed to refuse the application as it would take away heritage from Melton. She suggested the building should be left and converted to flats.

Cllr Baguley seconded the proposal to refuse due to the curtilage of the listed building next door and the adverse impact on the streetscene. She stated that she thought this was supposed to be the affordable housing element of application 15/00246/OUT, which is for 70 houses. This application is for 27 which does not add up to 100. It is only 27% when 40% is normally asked for.

A Cllr stated that there was a need for housing but there were too many dwellings packed into too small a plot. She stated that the proposal excluded any amenity space and could overshadow the chapel. She suggested that the façade could be kept and building converted into flats.

A Cllr stated that the area is the gateway to King Street, where there is a view of everything. She stated that it would have a negative impact on a heritage area and supported the proposal to refuse.

A Cllr was concerned that there would not be adequate parking for the tenants.

A Cllr stated that if there were fewer flats on the plot there could be more parking.

A Cllr stated that the view from Sherrard Street to Windsor Street would be just flats. She also had concerns for the impact the proposal would have on the adjacent public house, as the noise impact from the business on the neighbours could mean the end of the business.

A vote was taken: 7 Members voted in favour of the proposal to refuse. 2 Members voted against refusal.

DETERMINATION: Refused, for the following reasons:

1. **The proposed development would adversely affect the setting of the adjacent Grade II United Reformed Church, by reducing views of its principle elevation and the creation of a large building in close proximity that would reduce its significance as a focal point within its setting. It is considered that whilst the harm would be less than substantial, the public benefits of the proposal are insufficient to justify this harm. The development is therefore contrary to para. 134 of the NPPF.**
2. **The proposed development would result in the total loss of an undesignated heritage asset, the existing College building. It is considered that the benefits of the proposal are insufficient to justify this loss and that the development is therefore contrary to para. 135 of the NPPF**
3. **The proposed design, by virtue of its height, occupancy of the site and proximity to the site boundary would be unduly dominant and out of keeping with its surroundings. It would therefore be contrary to Policy BE1 of the adopted Local Plan and objectives of section 7 of the NPPF 'Requiring Good Design'**

(2) **Reference: 15/00246/OUT**
Applicant: Brooksby Melton College
Location: Spinney Campus – Brooksby Melton College, Melton Road, Brooksby, Melton Mowbray
Proposal: Mixed use redevelopment for residential development (up to 70 dwellings) B1 development (up to 850sq metres) and village shop 100sq metres (A1) with means of access

(a) The Head of Regulatory Services recommended that the application should be deferred in the light of the previous decision, due to its interdependencies..

Cllr Cumbers proposed to defer the application as per the Officer's recommendation.

Cllr Botterill seconded the proposal.

A vote was taken. It was unanimously decided that the application should be deferred.

DETERMINATION: DEFERRED to allow re-evaluation of the application.

- (3) **Reference: 15/00593/OUT**
 Applicant: Mr M Brown
 Location: Land at South of Hill Top Farm, St Bartholomew's Way,
 Melton Mowbray
 Proposal: Outline application for residential development of 30
 dwellings

(a) The Regulatory Services Manager stated that:

There are no updates to report.

This application seeks outline planning permission for 30 dwellings on land to the north of Melton Mowbray off St Bartholomew's Way, to the rear of Southwell Close. The only detail submitted for consideration at this stage is access. The site lies outside the designated town envelope within open countryside and is currently agricultural fields.

The main issues are:

Development Plan

It complies with saved policies and note that policy OS2 is no longer applicable

Transportation

Increase is insignificant, not reasonable to either resist or seek developer contributions for junction improvements – no objection from Highway Authority.

Scheduled Ancient Monument

The application originally related to 45 dwellings. The scale of development has been reduced to take account of Historic England's concerns about the proximity of the development to the adjacent Scheduled Ancient Monument. It was 50m away and it is now 100m.

The scheme as originally proposed would have had an unacceptable impact upon the Scheduled Ancient Monument. The advice now is that harm is significantly reduced and is less than substantial which should be weighed against the public benefits of the proposal.

Character of Area/Countryside

Will have some impact – but fairly well contained site, with scope for landscaping

Residential Amenity

Space for reasonable layout/distance from neighbours on Southwell Close

Conclusion

No technical objections

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.

(b) Mr M Fairhurst, the agent, was invited to speak and stated that:

- Site next to cul-de-sac on Northern edge of town
- Mixture of house types including affordable housing
- Access included for full approval
- Increase in housing supply needed
- Benefits not outweighed by adverse impacts
- New housing not visually intrusive
- Excellent accessibility
- Primary schools, open fields and bus stops close by
- New access and footpath connections will be carried out
- Highways conditions agreed with
- Impact on ancient monument site, ecology and archaeology acceptable
- Public response favourable

Cllr Cumbers stated that there was no indication of how big the houses will be. She asked if one bedroomed houses would be included.

Mr Fairhurst stated that there was not a detailed design at present but the layout shows it is possible to achieve a mixture of houses.

Cllr Cumbers asked if an amenity area would be provided.

Mr Fairhurst stated that there was already a large area next to the development.

Cllr Chandler proposed to permit the application but wished for there to be a condition to be added to ensure the wildflower meadow would be maintained.

Cllr Botterill seconded the proposal.

A Cllr stated that she supported the proposal to permit but was sad that developers are lumbered with the upkeep of the amenity area. She stated that taxes should cover the maintenance.

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

DETERMINATION: APPROVED, subject to the completion a s106 agreement and conditions as set out in the report, for the following reasons:

One of the key considerations in the determination of housing schemes in the Melton Mowbray is the cumulative impact of this development upon the highway network. The recent refusal of planning permission for two very large housing developments in the north of the town was because of this impact. However, that development related to a total of more than 500 dwellings. This is much more modest in scale with only 30 dwellings. After careful assessment of the data which has been submitted in this case it is has shown that there would be minimal impact upon traffic in the town centre.

It should be noted that the Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application, in a location that is considered to be sustainable in terms of access to services and facilities and with good transport links. It is critical that when the Local Plan is examined there is a body of evidence that the authority can deliver the housing targets. This scheme would help in that process.

Affordable housing provision remains one of the Council's key priorities. This application presents affordable housing in a quantity and type that satisfies identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, type and location and it is considered that this is a material consideration of significant weight in favour of the application.

The scheme as originally proposed would have had an unacceptable impact upon the Scheduled Ancient Monument. The advice now is that harm is significantly reduced and is less than substantial . In accordance with paras 132- 133 of the NPPF this harm should be weighed against the public benefits of the proposal.

There will be some limited harm to the landscape, but due to the location of the site ,which is seen against the existing housing development of Southwell Close, any harm is outweighed by the need to provide new housing.

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 ,less than substantial harm to the scheduled ancient monument ,limited highways impact and development of a greenfield site in the countryside, are considered to be of limited harm in this location due to the surrounding built form, layout and opportunity for landscaping.

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.

- (4) Reference: 15/00547/OUT
Applicant: Mr And Mrs R Lee And Miss Donnelly**

Location: Field No 7858, Melton Road, Long Clawson
Proposal: Development of 10 private dwellings and public open space

(a) The Head of Regulatory Services reported feedback from Clawson Medical practice that “the (small) building development proposed in Long Clawson does not critically impact on the services provided by the surgery or the capacity levels. However, the Practice does have concerns on the cumulative effect of further additional proposed developments within the Practice area He added that he had advised the Practice to engage with the Local Plan process with regard to the wider development of the area.

he then highlighted the key issues relating to the report providing details of the application, the highways work proposed and intended drainage arrangements.

(b) Melanie Steadman, an objector, was invited to speak and stated that:

- Contrary to Policies OS1, OS2 and BE1
- Outside village envelope
- Unsustainable
- Flood risk – Claxton Rise is prone to flooding
- ¾ miles from amenities
- Cars in centre of village already hazardous to pedestrians
- School at capacity
- Added pressure to surgery, which already has 6000 patients
- Impact on character of village
- 74 objections to application

(c) Richard Cooper, the agent, was invited to speak and stated that:

- Long Clawson determined as sustainable
- Further development inside the village envelope risks harming the character of the village
- Limited impact on form and density
- Proposal does not affect unique character
- Contributions to local service
- Softer buffered edge to Coronation Avenue
- Significant benefits
- Compatible with draft plan

The Head of Regulatory Services stated that as the proposal is an outline application, it is not currently established if it complies with Policies OS1 and BE1. He stated that based on his understanding, the scheme will not make the flooding in Claxton Rise worse, because it will remove some of the contributory factors, not add to them. The school can expand and create more capacity, and the surgery has enough capacity for this particular scheme.

A Cllr asked how many attenuation ponds will be provided and whether the site

would be drained to begin with.

The Head of Regulatory Services stated that the site would be drained into the ponds to begin with.

A Cllr stated that she was still not happy with the flooding and she could not support the application. She quoted the NPPF as stating “local planning authorities should ensure flood risk is not increased elsewhere” and she felt this proposal would increase the risk.

Cllr Holmes proposed to defer the application to make sure the flood risk would not be increased, as more information is required to ensure Claxton Rise can be protected.

Cllr Botterill seconded the proposal to defer and was concerned that an alternative holding pond should be in place to safeguard Claxton Rise culvert.

A vote was taken. 7 Members voted in favour of the proposal to defer. 2 Members abstained.

DETERMINATION: Deferred, to allow for the provision of more detailed information on the drainage proposals.

- (5) **Reference:** 15/00398/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 there were no updates to provide but alerted the Committee to an incorrect description at the beginning of the report : proposal is incorrectly described in page 1 as “a mix of single storey and two storey 2 and 3 bedroom properties”. It is in fact outline with no house types provided , but the Design and Access statement describes the proposal as “The development proposals will deliver a mix of housing in line with national and local policy, potentially including a range of house types varying from 1 bed to 5 bed homes“ though this would not be binding . Details would need to follow in any reserved matters application.

He highlighted the main issues associated with the application: i.e. it was an application for up to 45 which includes 14 affordables (30%). Access is detailed and proposes relocation of the traffic island to a point further north (plans) which has met with Highways Authority approval regarding its design, carriageway widths etc. The key issues will be familiar to the Committee – the application brings a balance between positives and negatives. In this case the former significantly greater than the latter for the reasons set out in the report and he drew particular attention to the Affordability issues on pages 12/13of the report.

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

- Takes away from amenity and gives nothing back
- Road safety – entry and exit cause hazard
- Issue of speeding
- No traffic calming measures
- Flood risk
- Danger of losing valuable green space
- Adversely impacts village

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

- Unsuitable location
- Concerns on impact on busy road
- More hazardous
- Low estimate on addition to school
- Impact on the character of the village
- Concern for fly tipping on farm track if left unmaintained

Cllr Holmes stated that there is a massive amount of traffic coming through Waltham when the A1 is blocked.

Mrs Roberts agreed and stated that it was Lorries, not just small vehicles.

(d) Guy Longley, the applicant, was invited to speak and stated that:

- Significant benefits
- Affordable housing
- Waltham more sustainable
- Proposal helps meet planning requirements
- Highways authority have no objections
- S106 contributions
- No objections from consultees in terms of flood risk
- Benefits outweigh harm

Cllr Botterill asked where the water on site goes at present.

Mr Longley stated that it slopes down towards Melton Road. He stated that strong water balancing will attenuate that flow as detailed in the plan.

A Cllr stated that Waltham had been allocated 100 houses to be built. She stated that 31 houses have been or are being built, 8 bungalows have been granted permission, a possible 28 in High Street as well as this application makes 106 houses, therefore exceeding the allocated 100.

Cllr Wyatt proposed to permit the application as he was satisfied that the site would be properly drained and the road is reasonably safe.

Cllr Faulkner seconded the proposal as per the recommendation.

A Cllr stated that she was disappointed and concerned there was no contribution to the school and that the road needs to be made safer for children. She stated that it is good category land and there are few employment opportunities. She was concerned that the rural character of the village would be altered and the houses would come out onto the A607 which is a dangerous road. She stated that if the application were to be passed, it must be considered to help the school and create safer access.

A Cllr stated that his concerns with traffic came down to people driving too fast, not with the road. He stated it was a suitable site to develop.

A Cllr stated that it did not matter where the proposal was built as all traffic would eventually come onto the A607.

A Cllr asked for clarification on what the density of the housing proposed for the rural area in the local plan was and if a pelican crossing could be conditioned.

The Head of Regulatory services stated the density was 23 per hectare. He stated that the Highways Authority would have to be persuaded to adjust the speed limits passing the site.

A Cllr commented that larger villages should have a target of 35% for the amount of affordable housing, so why does Waltham only have 30%? She stated that lower cost housing should be provided.

The Head of Regulatory Services stated that the cost of building the houses at a reasonable amount of profit isn't met by the sales revenue of this scheme in its entirety. There would be no proceeds at all for the affordable element, so the furthest they can go is 30%.

A Cllr asked if the application were to be permitted, could traffic calming measures be added.

The Head of Regulatory Services stated that again, the Highways authority would have to comment.

Cllr Cumbers stated that all houses need to be affordable and that Waltham had grown by 55% since 2011, which was a significant growth for a village.

A vote was taken. 4 Members voted in favour of the proposal to permit. 5 Members voted against the proposal.

Cllr Holmes proposed to refuse the application due to road safety, housing mix (the no. of affordable units proposed being) 30% not 35%), and over intensification.

Cllr Cumbers seconded the proposal to refuse.

A second vote was taken. 5 Members voted in favour of the proposal to refuse. 4 Members voted against the refusal.

DETERMINATION: REFUSED for the following reasons:

- 1. The development would generate additional pedestrian use (including children crossing), increased traffic and additional turning movements on the A607 Melton Rd that is used by high volumes of traffic. This would result in an increase in the risk of accidents and would be severely detrimental to road safety.**
- 2. The proposed development makes insufficient provision for affordable housing and therefore fails, to provide an appropriate mix of housing to reflect local demand. The proposal is therefore contrary to the requirements of para.50 of the NPPF and Policy H7 of the Adopted Melton Local Plan.**
- 3. The proposed development would represent over development of the site, which would be out of keeping with the style and pattern of the surrounding development and village Waltham on the Wolds. The development would not contribute to the 'sense of place' nor respond to local character and history, and reflect the identity of local surroundings. It would therefore be contrary to the requirements of Para. 58 of the NPPF.**
- 4. The proposal would make insufficient contributions to local infrastructure to offset the harm it would give rise to. It is therefore considered that, taken as a whole, the benefits of the application are significantly outweighed by the adverse affects and is therefore contrary to the 'Presumption in Favour of Sustainable Development' as set out in para 14 of the NPPF.**

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- (6) Reference: 15/00734/FULHH**
Applicant: MBC Communities and Neighbourhoods – Mr John Brammall
Location: 60 Stirling Road, Melton Mowbray, LE13 0UG
Proposal: Proposed rear extension to provide ground floor accommodation for the benefit of a disabled person.

- (a) The Regulatory Services Manager stated that the application relates to a single storey rear extension which is reported to committee because it is a Council development to which a neighbour has objected.

A Cllr asked if it was necessary to have an extension and why the house could not just be adapted.

The Regulatory Services Manager explained that Members needed to decide if the extension design was acceptable, not if it was necessary.

Cllr Chandler proposed to permit the application.

Cllr Cumbers seconded the proposal.

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

DETERMINATION: Approved, subject to the conditions in the report, for the following reasons:

The site lies within the Town envelope and is therefore in a location which benefits from a presumption in favour of development under policies OS1 and BE1. It is considered that the design and materials of the proposed extension will continue to be in keeping and of a size and scale sympathetic to the host dwelling. It would not have an adverse impact on that of the neighbouring properties or reduce the residential amenities to an unacceptable level and parking remains unchanged. As such the proposal is considered to comply with saved Policies OS1 and BE1 of the Melton Local Plan and the NPPF.

D59. Report of the Regulatory Services Manager - Tree Preservation Order Ref: 151/913/7 Grounds of Plum Cottage, 5 Cross Street, Gaddesby, LE7 4WD

(a) The Regulatory Services Manager stated that we had received a representation from the owner of the tree and read it out as follows:

- We would respectfully like to remind the committee that it is considering whether to confirm or discharge the provisional TPO. In that process it should avoid any temptation to simply follow a recommendation to confirm the TPO and should have equal regard to the objections we (and others) have made.
- We would invite the committee to focus carefully on whether the grounds for a TPO are made out. This requires particular scrutiny of whether the tree (a young non-native *Cedrus Libani*) significantly contributes to the amenity of Gaddesby as a conservation village. We do not believe other potential grounds for a TPO are relevant.
- At best, the upper elevations of the tree can be seen by what little occasional vehicular and pedestrian traffic passes through Cross Street. We would invite the committee to consider very carefully (a) whether this is truly a contribution to the amenity at all and (b) to the extent it is, whether that contribution is significant. We would invite the committee to conclude not in either or both cases.
- It is equally important to have regard to what is meant by 'amenity' in these circumstances. It cannot be taken to simply or only mean 'amenity to the general public' but it must also encompass the amenity of the private land owners such as ourselves and our neighbours. When this is done, we believe the reasonable and proportionate conclusion is that the provisional TPO should not stand and the adverse affect on the private land owners

- outweighs any contribution the tree makes for the benefit of the public.
- For all of the foregoing reasons and those set out more fully in our written objections and supporting materials, we would invite the committee to discharge the TPO so that our application to remove the tree can be re-opened and properly considered. We believe this is the reasonable and proportionate course since it is still open to the Council to reject that application if appropriate to do so.
 - The tree would benefit from adequate protection without a TPO due to the requirement to obtain consent to perform any works on the tree in any event.

Cllr Cumbers proposed to confirm the TPO.

Cllr Chandler seconded the proposal.

A Cllr stated that this was an example of a tree being planted too close to a house and taking up the entire garden. He stated that he was against the TPO.

A Cllr stated that the house was built after the tree had been planted.

A Cllr was concerned that the tree seemed too close to the boundary.

A vote was taken. 7 Members voted in favour of confirming the TPO. 2 Members voted against the TPO.

DETERMINATION: That, in the interests of amenity, the Provisional Grounds of Plum Cottage, 5 Cross Street, Gaddesby Tree Preservation Order 2015, should be confirmed, as issued.

D60. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 8.03pm