



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

18 August 2016

PRESENT:

J Illingworth (Chair), P Baguley,  
G Botterill, P Chandler, P Cumbers, J Douglas,  
M Glancy, E Holmes, M Sheldon, J Wyatt

AS SUBSTITUTE

Cllr L Higgins for Cllr J Simpson (Vice Chair)

Solicitor to the Council (SP), Head of Regulatory Services (JWo),  
Regulatory Services Manager (PR), Administrative Assistant (AS)

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PL21. APOLOGIES FOR ABSENCE

Cllr Simpson who was substituted by Cllr Higgins

PL22. DECLARATIONS OF INTEREST

Cllr Higgins declared that he would not take part in a vote regarding Agenda item 5, as he may be required to take part in any future possible appeal process in his position as Deputy Leader.

PL23. MINUTES

Minutes of the meeting 28 July 2016

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

The Committee voted in agreement. It was unanimously agreed by the Members who had attended the previous meeting that the Chair sign them as a true record.

It was noted that in recent Town Area Committee Minutes that Cllrs Wyatt, Douglas and Illingworth were marked as in attendance however they had left the meeting for

the duration of the discussion regarding application 16/00290/FUL, Land at Leicester Road, Melton Mowbray.

#### PL24. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 16/00259/REM  
**Applicant:** Davidsons Developments Ltd  
**Location:** Field Numbers 5855 and 6071 Nottingham Road, Melton Mowbray  
**Proposal:** Reserved matters application for appearance ,landscaping ,layout and scale of residential development

- (a) The Regulatory Services Manager stated that:

##### **Background**

In January 2015 outline planning permission was granted on appeal for the development of this site with up to 85 dwellings. That permission included the details of the access off Nottingham Road, which isn't to be considered today. Only considering the details of the layout.

##### **Late Items**

Since the publication of the agenda:

- LCC Highways – confirm that the revised road layout now complies with the standards required for adoption, subject to standard conditions.
- Town Area Committee – comment on - size of bedrooms in 3 bed dwellings three bedroom houses are not smaller than usual. They are HQI compliant. (Housing Quality Indicator – design standards for aff hsg providers)
- Number of parking spaces meets LCC guidelines (2-3 bed/2 spaces; 4 bed/3 and 5 bed/4)
- Safety around SUDs basin address by detailed design /gradient, but will provide a LAP
- Impact upon schools dealt with at O/L application stage – no contribution was requested
- Risk of flooding dealt with in app, presentation (and condition on O/L)

##### **The application site**

The site is land on the eastern side of Nottingham Road, Melton Mowbray. The site lies outside the designated town envelope .It is within open countryside abutting the boundary of the town envelope and is currently two undeveloped fields. To the east of the site is residential development off Kipling Road .To the west is Nottingham Road and an established built-up part of the town. To the north and north-east is open countryside and Sysonby Lodge, a grade II listed building. Principle of development of the site has been accepted.

##### **The application**

This application seeks permission for the details of that development.

These include 51 market dwellings, 34 affordable dwellings and associated open spaces and landscaping.

### **Housing**

This development brings forward a reasonable mixture of housing to meet identified needs and provides the full 40% of affordable housing. There are a mix of 1 bed apartments, bungalows, 2 and 3 bed semi-detached houses and 3, 4 and 5 bed detached houses.

### **Other Details**

The detailed layout shows a well designed development laid out around a central landscaped area which incorporates a SUDs scheme. It has strong, landscaped frontage to Nottingham Road which respects local character and layout. There is generous space around the site to sustain wildlife habitats and provide good levels of privacy and amenity for neighbours and the occupiers of the new dwellings.

**Recommendation** Approve subject to conditions, including standard highways conditions which are not in the recommendation.

(b) Mr Bourne, on behalf of the objectors, was invited to speak and stated that:

- Concerns regarding road safety – bend and slope of road, increase of traffic including lorries and abuse of speed limit.
- Concerns regarding flooding – water flowing into streams and the basin will become a lake at times. Will be more dangerous and 2 children have died there in the past.
- Dirty water from the lake into private gardens.
- There should be no more development without improvement to the infrastructure.
- The plan is different to the outline plan.
- Little privacy to the new properties due to Kipling Drive houses overlooking.
- Negates simple gap measurements. Distances too small between properties.
- Vegetation doesn't exist.
- Setting of Sysonby Lodge will be affected.
- A606 entry will be ruined.
- No support for this development. Number of objectors and a petition against.
- Will add to traffic problems.
- Affect safety and privacy of families.
- The Government Inspector was incorrect at appeal.

Cllr Higgins noted that the Government Inspector had already approved this at appeal so this application is to look at the layout.

Mr Bourne stated that he didn't agree with the appeal decision and Kipling Drive will totally be overlooked.

Cllr Holmes noted the danger of the culvert and flooding and asked how much water was flowing when in full spate.

Mr Bourne commented that he didn't believe the Inspector or developer knew how bad it can get. Water level increase of 1 metre in an hour has been recorded on previous occasions.

The Chair noted that no visual presentation is allowed at this stage from speakers but believed that Members had already seen such photographs at the initial presentation.

The Regulatory Services Manager responded to concerns raised:

- Junction – the outline application which has been granted permission already includes access. Members are aware of the increased traffic concerns. This is the best point of access and it has already been agreed and approved.
- Distances between dwellings – particularly on to Kipling Drive- are generous and there are opportunities for landscaping. Plenty of amenity for neighbours and occupiers. Exceeds minimum requirements.
- Drainage – clarified how the drainage operates. Surface water will flow into the retention pond. The purpose of the design is there is a controlled outlet at the Southern end of the scheme which takes the water through and out of the site. Developers can't be asked to overcome existing problems but they certainly aren't allowed to make it any worse. Strategic flood risk assessment has been approved by the relevant professional bodies.
- Layout – the plan seen previously was only an indicative layout. It was for information purposes but did not form part of the planning permission. That's why there are differences between the schemes.
- Sysonby Lodge – it relates reasonably well to the site with the screening provided by the developer.

Members commented that it may be prudent to move the 40mph signs along Nottingham Road further back so it could help traffic slow down earlier before reaching the site and the 30mph speed limit.

An enquiry was made as to how the retention ponds on Edendale Road are and if they are fenced. The Regulatory Services Manager stated that there is no proposal to fence the ponds on this application but it could be recommended if Members felt it necessary.

Members commented noted that no incidents had been known of on Edendale Road regarding the ponds there.

The Regulatory Services Manager stated that at the first point, which passes under a road, it would be culverted and then maintained by Severn Trent Water and at the second point it would be a water course which would be rebuilt and repaired. The Regulatory Services Manager advised that it would be to the usual specification by Severn Trent and it would be piped but if members had specific concerns they could be addressed.

Members expressed concerns regarding the differences in the plans from those at outline stage.

The Regulatory Services Manager reminded Members that the original application was only an indicative layout, which is common to outline applications. Only the access on to Nottingham Road was being considered at that stage. Open space is now being shown with some houses. It is a reasonable layout. It is different from the indicative layout but that has no status.

Members expressed concern regarding illustrative plans building expectations that are not then followed through at reserved matters stage.

The Regulatory Services Manager advised that the inspector had approved the principle of development on the site not the layout of the actual scheme. They considered the listed building and the benefits of the development mitigate against any harm. This developer does fairly well designed dwellings.

Members expressed sympathy with residents not having their questions answered. They should tighten up on the privacy for the residents and asked if the Inspector had decided on contributions.

The Regulatory Services Manager advised that the developer had contributed towards work on the traffic light system on Norman Way and other softer improvement. The inspector felt there was no requirement for substantial contributions. With regards to privacy, the scheme has a landscaping but we can be mindful of that concern.

**Cllr Sheldon proposed to approve** the application with a request to be made to the Highways Authority to move the speed limit signs as suggested and also the usual suitable conditions regarding highway matters and landscaping.

**Cllr Wyatt seconded** the proposal.

The Chair, who is Ward Cllr for the area, commented that we had turned this down but the Inspector had overturned the decision at appeal. Disappointed with indicative plans as lulled into thinking it's something different. It's a shame the initial plans have no substance and that the developers are not here for dialogue. He requested that developers enter into more meaningful dialogue with residents and officers to address their and our concerns regarding drainage and flooding issues.

Members enquired how high the one bed apartments would be.

The Regulatory Services Manager confirmed that they would be two storey.

Members noted that it is a good housing mix.

Cllr Holmes commented that one bed houses were unnecessary and cost as much to build as two bedroom properties. She felt the properties should be at least two bedrooms as smaller properties do not give families room to grow.

The Chair noted that the developers wouldn't build them if they didn't think there was any demand.

The Regulatory Services Manager noted that they had designed to meet a specific need and that the Borough required different types of affordable housing.

A vote was taken. 9 Members voted for approval of the application and 2 Members voted against.

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

**The outline planning permission was granted on appeal on the basis that the advantages were judged to outweigh the disadvantages, particularly the contribution that the development would make to housing supply, both in the market and affordable sectors. There has been no material change in policy or circumstances since that decision and, therefore, the principle of the development must be accepted.**

**This development brings forward a reasonable mixture of housing to meet identified needs and provides the full 40% of affordable housing.**

**The detailed layout shows a well designed development laid out around a central landscaped area which incorporates a SUDs scheme. It has strong, landscaped frontage to Nottingham Road which respects local character and layout. There is generous space around the site to sustain wildlife habitats and provide good levels of privacy and amenity for neighbours and the occupiers of the new dwellings.**

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- (2)    **Reference:**    15/00220/OUT  
      **Applicant:**    Mrs E Greaves  
      **Location:**    The Limes Farm, 37 Middle Lane, Nether Broughton  
      **Proposal:**    Residential development (4 x 3 bed semi-detached dwellings)

(a) The Regulatory Services Manager stated that:

This application seeks outline planning permission for the development of the site to create four dwellings on land falling outside of the village envelope for Nether Broughton. All matters are reserved other than access. Vehicular access to the site is proposed from Nottingham Road with a pedestrian access onto the pavement on Middle Street to serve the pair of semi-detached properties. The site is currently undeveloped forming part of the curtilage of Lime Farm.

It is considered that the main issues arising from this proposal are:

- Compliance or otherwise with the Development Plan and the NPPF
- Abutting, outside, but well related to the village
- Impact upon the character of the area and open countryside
- Limited as well screened and seen against backdrop of existing development
- Impact upon residential amenities
- Limited impact, most, apart from applicant, live on the opposite of the road
- Impact upon ecology
- Conditioned
- Highway safety

**Cllr Higgins proposed approval** of the application. The Parish Council are looking for smaller properties to make the village sustainable and this is a good opportunity for families.

**Cllr Chandler seconded** the proposal. It is a good use of land. Some concerns regarding the access and also the overgrown hedge. The Parish Council have a statutory duty to keep footpaths clear and they should ask the landowner to cut the hedge.

The Chair noted that on the site visit members agreed this.

It was enquired whether Limes Farm was a listed building. Concerns were raised about access and road safety and whether the road needs widening.

The Regulatory Services Manager noted that Limes Farm was not a listed building and the only listed building in Nether Broughton is the former Red Lion public house on the opposite side of the road. The Highways Authority are satisfied however officers appreciated Members comments regarding the vegetation requiring cutting back.

Cllr Holmes asked the proposer to consider amending their proposal to condition a splay.

Cllr Higgins, the proposer, commented that he deferred to the expertise of the to Highways Authority but that they are already recommending to permit.

The Chair commented that there was enough concern from Members to ensure that the Parish Council make sure the hedge is cut.

Members commented that there were four houses and only three sets of garages on the plan.

The Chair confirmed that it is an indicative plan.

The Regulatory Services Manager noted that the precise details would be considered at the reserved matters stage.

A vote was taken and the Members voted unanimously to permit.

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

**It is considered that the application presents a balance of competing objectives with the Borough being deficient in terms of housing land supply and this would be partly addressed by the application. The village of Nether Broughton is considered to be a reasonably sustainable location where some services and employment exists and the village is served by public transport.**

**Though by no means optimum, the site is considered to perform reasonably well in terms of access to facilities and transport links. However, there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.**

**On balance it is considered the benefits of additional housing outweigh the concerns over the sustainability of the site. Furthermore, the site could be developed for four houses without harm to the character and appearance of the site and surroundings would not be harmful to the setting of the listed Red Lion and would protect the amenities of neighbouring properties. The site could be served by an acceptable access.**

- (3) Reference: 16/00360/FUL**  
**Applicant: Mr Mike Booker**  
**Location: AH & FW Booker, 20 Main Street, Branston, Grantham**  
**Proposal: Proposed single storey dwelling and small commercial workshop**

(a) The Regulatory Services Manager stated that:

The application site is located within the village envelope and conservation area for Branston, which is approximately 10 miles to the north east of Melton Mowbray. The site appears to be vacant, but is previously developed with a large concrete apron, and is separated from the open countryside to the east by a natural stone wall. There are existing residential dwellings to the west and south, and buildings associated with Hall Farm to the north. The farmhouse for Hall



Farm is situated to the north west of the application site, and is a Grade II listed building.

It is considered that the main issue relating to the application is:

- Whether the site represents a sustainable location for a new dwelling
- The impact of the commercial workshop on the residential amenity of neighbouring dwellings.
- The impact of the proposal on heritage assets
- The application is required to be considered by the Planning Committee due to the level of representations received.

**Relevant History:**

Application 15/00955/FUL for the construction of new single storey dwelling with additional vehicle repair workshop and car parking was refused on 27th January 2016. There were two reasons for the refusal – the location of the dwelling was considered to be unsustainable, and there were concerns relating to the impact upon residential amenity of the proposed commercial workshop.

**Late Items**

2 more letters of support – no new issues – highlights that it is the development of a brownfield site

The dwelling would however be located on a previously developed site, which is an infill plot within the village envelope. The proposal would also lead to the provision of a small commercial garage / workshop to provide facilities to the residents of this village and others in the locality. Whilst the location of the proposed dwelling is not ideal in terms of sustainability, it is considered on balance that the proposal can meet the objectives of both policies OS1 and BE1 of the Melton Local Plan, with regards to residential privacy and amenity, and the Framework in terms of providing sustainable development that conserves and enhances the historic environment. As such, the proposal is recommended for approval, subject to conditions.

(b) Maurice Fairhurst, agent on behalf of the applicant, was invited to speak and stated that:

- It is a very small commercial garage.
- It is a needed 3 bedroom property which will enable the existing bungalow to be occupied by the applicants daughter and family who can assist the parents in later life.
- The village values Mr Bookers services. A few more years before he retires.
- Will be a place for a rural worker for some years to come.
- An additional family to use the village resources which helps towards sustainability.
- Benefit the area.
- Strong support from Parish Council and residents.
- Social, environmental and economic benefit.

- In accordance with guidance in the NPPF and the old local plan.

Cllr Wyatt asked if the commercial garage would be leased to a new owner when the original owner retires.

Mr Fairhurst confirmed that there is no intention to sell the garage and that Mr Booker wants to maintain control as he will be living next to it. The intention is it will remain in Mr Bookers ownership.

**Cllr Botterill proposed to approve** the application. It is a well known business which is very useful and has helped a lot of people out. An asset to the village.

**Cllr Cumbers seconded** the proposal and asked the proposer if they could add to condition 5 that the garage will be closed on bank holidays as well as Sundays due to residential amenity.

Cllr Botterill, the proposer, agreed with the added condition.

Members noted that the applicant could seek to get the condition removed in the future if they so wished.

A vote was taken and the Members voted unanimously to permit.

**DETERMINATION: APPROVE** subject to the conditions as set out in the report and an additional condition limiting working hours on Sundays and Bank Holidays, for the following reasons:

**The site is within the designated village envelope and conservation area for Branston. Branston is not considered to be a suitable location for new housing due to the lack of services and facilities for residents; therefore, further housing would increase the use of the private car.**

**The dwelling would however be located on a previously developed site, which is an infill plot within the village envelope. The proposal would also lead to the provision of a small commercial garage / workshop to provide facilities to the residents of this village and others in the locality. Whilst the location of the proposed dwelling is not ideal in terms of sustainability, it is considered on balance that the proposal can meet the objectives of both policies OS1 and BE1 of the Melton Local Plan, with regards to residential privacy and amenity, and the Framework in terms of providing sustainable development that conserves and enhances the historic environment.**

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- (4) Reference: 15/00238/COU & 15/00239/LBC**  
**Applicant: Mr L Topley**  
**Location: The George Hotel, 8 High Street, Melton Mowbray**  
**Proposal: Change of use from existing ground floor retail units to create two apartments.**

(a) The Regulatory Services Manager stated that:

The George Hotel, fronting High Street, already benefits from planning and listed building consent to form two retail units on the ground floor, 12 flats, and a new build residential unit adjacent to the stable outbuildings. The current proposal is for the change of use of the two retail units on the ground floor to two residential units. These applications cover the required planning permission for the change of use and the listed building application to consider the physical works.

The site is within the town centre and Conservation Area for Melton Mowbray and the building is also grade II listed. The site is surrounded by a variety of different uses; to the north-west of the site is a row of residential terraced housing on Wilton Terrace with the remainder of the site surrounded by retail units or commercial. The application is to be considered by Committee as the application includes a viability appraisal in relation to the provision of affordable housing and S106 contributions.

It is considered that the proposal to provide two additional residential units to those previously permitted under reference 12/00145/FUL would help to secure the continued use of the building as a whole and would ensure that the existing building is refurbished in an appropriate manner. This will help to enhance the character and appearance of the listed building and conservation area. However, the proposal does not satisfy the normal requirements in terms of affordable housing and the contribution to infrastructure requirements through contributions. These omissions are themselves contrary to Development Plan Policy (H7 and OS3 respectively) and NPPF objectives. Accordingly, it is considered that a conflict exists and the determination requires a balanced judgement between the conservation interests and affordable housing/infrastructure contributions set out above. An independent Viability Assessment commissioned previously confirmed that the proposed residential development was not viable on the basis of the affordable housing and s106 contributions requested. Further information has also been provided to demonstrate the non-viability of these two units with contributions and also that retail uses are unlikely to be successful.

Accordingly, it is considered that in this instance, given the outcome of the previous viability assessment, and the costings submitted for the additional 2 units, along with the individual circumstances of this application in terms of its benefit to conservation interests and the significance applied to them by both

legislation and policy, that there is justification for the development to be approved without a requirement for affordable housing or the requested developer contributions. Furthermore, the changes proposed respect the appearance and historic fabric of the listed building.

**Cllr Baguley proposed to approve** the application. It will be nice to see it restored.

**Cllr Sheldon seconded** the proposal.

Cllr Holmes commented that she hoped the applicant would be using materials appropriate to a listed building.

The Regulatory Services Manager confirmed that they would be traditional wooden fitting, the details of which would be approved.

Members offered support and looked forward to seeing it being occupied but expressed concern that retail on High Street is reducing as it is due to people shopping online.

Concern was expressed about turning the ground floor in to flats due to the noise level in the evenings. Protect the people living in flats by putting in triple glazing. Would prefer retail units instead.

The Chair commented that the developers would be aware of the potential noise and would need to make them attractive to potential buyers.

The Regulator Services Manger noted that buyers and developers will be aware. Officers will ensure that the windows look historically accurate.

Members commented that the town has a retail vacancy rate of 4.5% so there are not many shops left to fill. Need to have vacancies for businesses to develop.

A vote was taken and Members voted unanimously to permit.

**DETERMINATION: APPROVE both applications, subject to the conditions as set out in the report, for the following reasons:**

**The application site lies within the Town envelope of Melton Mowbray and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the legal requirements of s66 and 72 in terms of the historic interest of the building itself and the character and appearance of the conservation area, and also the objectives of the NPPF in terms of sustainability. The proposed development has been designed to have limited impact on adjoining properties, the street scene and has been designed to reflect the surrounding area. The proposed access and parking arrangements are also considered to be acceptable given the town centre location.**

It is considered that the proposal to provide two additional residential units to those previously permitted under reference 12/00145/FUL would help to secure the continued use of the building as a whole and would ensure that the existing building is refurbished in an appropriate manner. This will help to enhance the character and appearance of the listed building and conservation area.

However, the proposal does not satisfy the normal requirements in terms of affordable housing and the contribution to infrastructure requirements through contributions. These omissions are themselves contrary to Development Plan Policy (H7 and OS3 respectively) and NPPF objectives.

Accordingly, it is considered that a conflict exists and the determination requires a balanced judgement between the conservation interests and affordable housing/infrastructure contributions set out above. An independent Viability Assessment commissioned previously confirmed that the proposed residential development was not viable on the basis of the affordable housing and s106 contributions requested. Further information has also been provided to demonstrate the non-viability of these two units with contributions and also that retail uses are unlikely to be successful.

Accordingly, it is considered that in this instance, given the outcome of the previous viability assessment, and the costings submitted for the additional 2 units, along with the individual circumstances of this application in terms of its benefit to conservation interests and the significance applied to them by both legislation and policy, that there is justification for the development to be approved without a requirement for affordable housing or the requested developer contributions. Furthermore, the changes proposed respect the appearance and historic fabric of the listed building.

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- (5)    **Reference:**        16/00421/VAC  
      **Applicant:**        Mr Ross Whiting  
      **Location:**        Eastcote, 91 Grantham Road, Bottesford  
      **Proposal:**        Variation of condition 2 of 15/00924/VAC

The Chair reminded members that they were to only discuss matters relating to this application.

- (a) The Head of Regulatory Services stated that: The proposed plans vary from the approved plans through:
- Plot 1: the insertion of two dormer windows in the front elevation and four roof lights proposed in the rear roof of Plot 1
  - Plot 2: the replacement of an approved window with a door on the ground

floor rear elevation

The application relates solely to these aspects despite the appearance of other features on the plans. It is important for us to understand this and limit our consideration to these aspects only.

Though a VAC application it has the same status as a full and we therefore need to ensure that all of the specifications applied previously are carried through, hence the range of conditions proposed. It also includes one specifying that other features on the plan are not included in the permission, for the avoidance of doubt.

We consider the changes on Plot 2 to be entirely inconsequential – simply limited to a door replacing a window and plot 1 not significant in the street scene in the context of the house type that already has permission.

There are enforcement issues at the site, notices served and escalation in hand, and other issues are being pursued. However, none of these affect or are affected by the proposal so they do not complicate things further.

(b) Mrs Shelagh Woollard, on behalf of the objectors, was invited to speak and stated that:

- The character of the area is one of Low density
- This plan has 5 bedroom and a second plan with 4 bedrooms.
- The Inspector's decision should carry some weight.
- Two metres between dwellings adds to claustrophobic feel.
- Loss of privacy unless dormer windows are conditioned to be obscured.
- High level roof lights would be more sympathetic.
- Officer has commented that it's not visually ideal.
- It will set a precedent.
- 4 windows instead of 2. Fence has been erected to hide these but it could be removed at any time.
- Patio door has also appeared.
- Adverse impact on neighbours.

The Head of Regulatory Services commented that there were different interpretations of the appeal decision. The size and height are acceptable as it is an eclectic street with no strong theme being disrupted. The extra windows and other differences from the plan are being addressed through enforcement. We can only respond to what's happened and put things right. Enforcement powers are powers of remedy rather than pre-emptive.

Cllr Chandler referred to the steps pictured on the slide for plot 1 and its elevated position. She asked how a disabled person would gain access.

The Head of Regulatory Services confirmed that there should be alternative access.

**Cllr Chandler proposed approval** and noted that Plot 1 is next to a 1960's property. They stand in quite good areas of ground. These properties are hemmed in and too close to each other. Must enforce condition 3 and 5 and the landscaping on condition 7 must be begun this autumn. The hedge hasn't taken which was planted last winter. Problems on track yesterday as farmer couldn't enter.

**Cllr Sheldon seconded** the proposal.

A view was expressed that the dormer windows spoil look of the building.

Cllr Holmes asked if a house could be signed off without disabled access.

The Head of Regulatory Services confirmed that it would come under building regulations and that a property cannot be occupied without suitable access. The application could be deferred until we have the answer.

**Cllr Chandler withdrew her original proposal and proposed to defer the application** until there is confirmation regarding the disabled access.

**Cllr Sheldon agreed to the withdrawal and seconded** the proposal to defer.

A vote was taken and the Members voted unanimously to defer the application.

**DETERMINATION: DEFER, to seek clarification on the access arrangements.**

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- (6) **Reference:** 16/00290/FUL  
**Applicant:** Westleigh Partnerships Ltd  
**Location:** Land at Leicester Road, Melton Mowbray  
**Proposal:** Mixed use development comprising 97 dwellings, employment land (B1a), and associated infrastructure

(a) The Head of Regulatory Services stated that:

**Updates:**

Proposal for 97 houses – 58 market and 39 affordables.

The application also explains that a housing association is signed up to this scheme and has secured HCA funding for 2015 -18 it anticipates an early start (in the remaining part of and 2016) which will be a welcome boost to our 5 year land supply.

**20 letters of support** have been received. These all cite the current position in respect of 5 year land supply and the view that the site is a good location for

housing – close to the town’s facilities, employment and on regular bus routes to Leicester.

The site has a development history – western part has outline and reserved matters PP and helpfully these are shown as overlays and you can see how similar the current proposals are.

The east part has permission for business units and as such the principle of being developed – in terms of loss of greenfields etc – is established. However the most recent approach was refused on grounds of noise and the loss of employment space.

A protected species walkover survey has now taken place and the findings have been supported by the EA, subject to following the recommendations of the report. This identified various protected species within and adjacent to the site and recommend further surveys and protection measures when work takes place.

The position with Highways has now moved on and a detailed engineering drawing has been submitted addressing issues previously raised. There remain some very minor refinements required and amendments if adoption is to take place but it is considered that these issues are readily concluded.

An FRA has been submitted and this is also to the satisfaction of the EA, again subject to conditions detailing its exact design. This relates to the impact of the culvert in the centre of the site (rather than wider flood plain issues from the river behind, which are adequately catered for). This was a feature of the earlier permission 15/00749/REM on the site which was deemed adequate (and remain extant) so we have a high level of confidence that it will remain so on this application.

**Previous reasons for refusal (east part of site only):**

**Office space:**

- Details of marketing by 3 agents over several years
  - Currently there is 20000 ft. 2 office space available in Melton, at PERA and other smaller sites
  - Current rental values are 120 ft. 2 whilst build costs are 165 ft. 2
- Para 22 on the NPPF

*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

**Noise**

The redesign of the site has allowed houses to be positioned further from the railway and road and this assists with the noise environment. The EHO now



advises it would now satisfy noise limits though acoustic protection would be needed.

**Recommendation part (a) on page 18 no longer needed – all those details that were awaited have now been received and accepted as satisfactory by the relevant bodies subject to detailed design components.**

(b) Matthew Moore, on behalf of the applicant, was invited to speak and stated that:

- Directly responded to concerns raised by members and consultees.
- Worked with appropriate authorities.
- Link it to housing and business space.
- Employment use – marketing , unable to find sufficient tenants.
- New build office space – 100 new jobs.
- Extensive flood risk assessment.
- Noise – changed layout of houses, further away from A607.
- Odour impact assessment. Any issues have been addressed.
- Minimise impact on Leicester road and improve highway safety.
- S106.
- Starter homes – help to buy scheme.
- Land in a sustainable location.
- Much needed housing provision.

Cllr Higgins asked for the location of the proposed speed humps.

Mr Moore confirmed they would be off Leicester Road at the cross road points.

Cllr Higgins commented that it is a deliverable housing land supply and asked what the intention is to get the site moving and if the developer is ready to start.

Mr Moore stated that they are an affordable homes developer and that the site is within their control and it should be within 24 months.

Cllr Holmes asked if it would be ecologically friendly.

Mr Moore stated that all the dwelling will be timber framed. They have their own factory with sustainable development methods. Energy efficiency is better than other homes. There is a water culvert.

Cllr Wyatt asked if the bank along the boundary fence would be removed.

Mr Moore confirmed that the bank will be removed and that the site is raised anyway so it won't be seen.

The Head of Regulatory Services clarified::

- The location where Highways require another speed hump.
- Wildlife – there is a water course and the environment agency are pleased

that it is left open around it. An undeveloped belt is provided to accommodate the species already there.

**Cllr Higgins proposed to approve** the application and commented that the concerns when the application was previously deferred appear to have been mitigated. Green space management. Pleased the speed humps are square. Equates to 45% of our target for houses. Homes are very much needed. Expect site to go live as soon as possible. Speed limit to ensure traffic is not hitting entrances at 40 mph.

The Head of Regulatory Services confirmed that it is in the 40mph zone but there are sight lines to accommodate.

**Cllr Wyatt seconded** the proposal.

A vote was taken and the Members voted unanimously to permit. Cllr Higgins requested that his vote for the proposal be recorded and noted that he expected the development to be live within the 24 month time period.

**DETERMINATION: PERMIT, subject to the completion of a s106 agreement and conditions as set out in the report, and additional conditions reported by the Head of Regulatory Services in respect of flooding and drainage, wildlife and highways details, for the following reasons:**

**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 perform very well in terms of sustainability; access to services and facilities and with good transport links.**

**Affordable housing provision remains one of the Council's key priorities. This application presents 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. Melton Mowbray is considered to be a location with strong sustainability, suitable for housing growth.**

**Adequate access and parking provisions can be provided and maintained to the satisfaction of the Highways Authority and design and layout issues are satisfactory. It is considered that these facts are a material consideration of significant weight in favour of the application.**

**Potential noise and odour impacts can be adequately controlled.**

**The Office development will also support the Boroughs' economy and provide office space to allow flexibility for the end user; providing different size units to accommodate start up business or those wishing to expand.**

**In conclusion it is considered that, on the balance of the issues, there are very**

**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 greenfield site and loss of employment permission on part of the site – is considered to be of very limited harm in this location due to the site characteristics and because development has already been permitted across the site.**

**Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits**

The meeting adjourned at 7.55pm. Reconvened at 7.58pm.

**PL25. APPEAL PROCEEDINGS: SPINNEY CAMPUS - BROOKSBY MELTON COLLEGE, MELTON ROAD, BROOKSBY**

The Head of Regulatory Services presented the recommendation on the report.

**Cllr Chandler proposed** to go with recommendation on the paper and felt there was no reason to change it.

**Cllr Cumbers seconded** the proposal.

Cllr Higgins commented that he would abstain from the vote as he may be required at appeal should it go that way. it's a shame as with dialogue we can usually find an agreement.

The Chair agreed with Cllr Higgins view and added that if the developer came back with modifications Members might be mindful to approve.

**The Chair proposed a counter proposal** that that subject to there being dialogue between the developer and officers, with a view to the developer submitting a revised plan for King Street which would seek to overcome members' previous concerns and objections, then we would not defend at appeal. However, if such dialogue were not forthcoming, then we would defend at appeal as per officer recommendation in the report.

**Cllr Wyatt seconded** the proposal.

Members discussed why this had come to appeal and the Chair reminded Members that the applicant was appealing against non-determination as Members had deferred but not gone back to them.

Cllr Holmes commented on the application at King St, stating that it is a 1920's building but behind it was an 1800's building that they wanted to take down. We can't

take down all historic buildings in the town. They are important.

The Members voted on the second proposal not to go to appeal. 5 Members voted for and 5 against. The Chair cast the deciding vote in favour.

The Chair confirmed this and said if the developers didn't wish to do this it will go to appeal.

Substantive motion vote – 6 Members for and 4 Members against. Cllrs Chandler and Holmes requested their votes against to be recorded.

**DETERMINATION: That the Council adopts the position at appeal as set out in the report , unless its concerns regarding the development at King St are overcome.**

PL26. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 8.16pm