



MEETING OF THE
DEVELOPMENT COMMITTEE

PHOENIX HOUSE, MELTON MOWBRAY

3 FEBRUARY 2011

PRESENT:

P.M. Chandler (Chairman)
M. Barnes, P. Baguley, G.E. Botterill, P. Cumbers
E. Holmes, J. Illingworth, T. Moncrieff, J. Wyatt

Head of Regulatory Services
Principal Planning Officer (JW)
Planning Policy Officer, Democracy Officer (DB)

D51. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Moore-Coltman and Sheldon.

D52. MINUTES

The Minutes of the Meeting held on 13 January 2011 were approved and authorised to be signed by the Chairman.

D53. DECLARATIONS OF INTEREST

There were no declarations of interest.

D54. SCHEDULE OF APPLICATIONS

RESOLVED that the undermentioned applications be determined as follows and unless stated otherwise hereunder in the case of permissions subject to the conditions and for the reasons stated in the Schedule of Applications and in the case of refusals for the reasons stated in the schedule.

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- (1) Application : 10/00945/FUL**
Applicant : Hayward Exclusive Homes Ltd
Location : Home Farm, 1 Wartnaby Road, Ab Kettleby
Proposal : Construction of 7 new dwellings and the rebuilding of an existing double garage/studio and new access (re-submission of application 10/00656/FUL)

- (a) The Principal Planning Officer (JW) stated that :-
- (i) this application sought planning permission for the erection of 7 dwellings. Since publication of the report 4 additional letters of correspondence had been received;
 - (ii) the Environment Agency had written stating they had no objection to the proposal subject to a condition in relation to contamination and that works cease, if contamination not previously identified was found to be present. In response to this a Geo-Environmental Assessment had been submitted with the application and the Environmental Health Officer was satisfied by the report, the recommendations and remediation works proposed. However, this could be added as a condition if Members considered it to be necessary;
 - (iii) three additional objection letters to the proposal had been submitted. One objection was from the Melton Mowbray and District Civic Society which stated that it was unusual for a new access to be allowed onto a classified road especially such a busy one as the A606. The society wished to express concern about road safety and questions whether the visibility splays were adequate;
 - (iv) the other letters expressed concern with regard to the impact on The Old Vicarage, Melton Road which was a Grade II listed building and was in the conservation area. The proposed bungalow would be taller and would overlook the Old Vicarage and its grounds impacting on privacy. Plot 1 was too close to the boundary next to the Old Vicarage, The Willows and The Cloisters and was in the grounds of a listed building and conservation area. Plot 1 would tower above the Old Vicarage grounds and was too close to existing properties. The access was dangerous on a bad bend and HGV's thunder through the village and accidents would happen. It would overlook surrounding Listed Buildings. Comments had also been received in relation to Plot 1 and the impact on The Cloisters. The plot was too close to the bungalow, would lead to overshadowing and reducing natural light. The proposed bungalow should be built on a footprint that had been excavated to reduce the overall height and be built in line with the approved bungalow. It was requested that Melton Borough Council refuse this application;
 - (v) in response to this the Highway Authority were satisfied that the proposal was acceptable in terms of highway safety. An extant planning permission existed for 7 dwelling on this site with a similar access point. There was no evidence that the proposal would have a detrimental impact on highway safety;

- (vi) Members may recall a similar proposal being brought to Committee in November last year. This application had been submitted to try and address the grounds for refusal on the previous application. The main issues with regard to this application, as set out in the report, were the principle of the use, the impact on adjoining properties, highway safety and the impact on the Conservation Area and Listed Buildings;
- (vii) the principle of the use had been accepted and there was an extant permission on the site for 7 dwellings, this issue had been addressed within the report. The issue of highway safety had been guided by the extant permission and the advice of the highway authority;
- (viii) the main concern expressed by objectors and the grounds for refusal on the previous application was the impact of Unit 1 on the adjoining Listed Building, the Willows, the impact on the Conservation Area and the impact on the residential amenity of 4 Old Vicarage Gardens, The Willows, and No. 3 and 5 Wartnaby Road;
- (x) this application proposed a single storey dwelling on Plot 1 and an assessment had been made on its relationship to neighbouring properties, adjoining windows, boundary treatments and orientation. This assessment was contained in the report and the relationship was considered to be acceptable;
- (xi) finally, the issue of the impact of the Conservation Area and surrounding Listed Buildings had been a concern. Only Unit 1 falls within the Conservation Area, the design of the unit was considered to be acceptable and was in keeping and traditional with the Conservation Area. The proposal was considered to be sufficient distance from surrounding Listed Building to not have an impact on their settings.

(a) Mr Fairhurst was invited to speak on the application and stated that :-

- the site had a long standing valid permission
- the proposals would provide a variety of well designed dwellings
- the Applicant would ensure the removal of asbestos
- the application was an improved design from the previous approval
- there had been many improvements to the application
- the impact of the 1.5 storey house on plot 1 had now been addressed
- the position, extent and height orientation would not unreasonably impact on residential properties
- there were no grounds for refusal which could be substantiated

(b) Councillor D.E. Orson was invited to speak on the application and stated that :-

- she was reflecting the views of the Parish
- the previous reasons for refusal in November had now been overcome
- the site would benefit from being tidied, but there were still concerns about the proposed entrance
- near neighbours were concerned

- the Highways Authority had deemed it as being 'only just' acceptable
- there was local concern about the traffic movements
- plot one was still a concern – as it was still slightly higher than the original single storey proposal
- the provision of a mixed housing scheme would help to meet some of the housing demand
- the design was more sympathetic, but it was still not ideal
- if approved a condition should be imposed to sink the dwelling to reduce the height back to the original approval
- the application did not meet policies OS1 and BE1

The Principal Planning Officer (JW) was invited to speak and stated that the differences between the current application and the extant permission was detailed on page 8 of the Committee report.

Councillor Moncrieff moved to permit the application. Councillor Baguley was a seconder for this proposal.

Councillor Cumbers stated that she had concerns about the applicant applying for a loft conversion which would turn it back into a 1.5 storey property and requested if that the permitted development rights be removed. The Principal Planning Officer (JW) stated that condition 4 already proposed to move the permitted development rights.

On being put to the vote, the motion to permit was unanimously carried.

DETERMINATION : Permit subject to the conditions listed within the Committee report and for the following reason(s) :-

- 1. This application sought planning permission for the erection of seven dwellings. Part of the site was within the Conservation Area for Ab Kettleby and the site was surrounded by a number of designated Listed Building. An extant permission exists of the site for the same number of dwellings, however, this scheme alters the siting of some of the proposed units, design and scale of some of the properties. The application was considered to be acceptable in highway terms, design terms, and was not considered to impact on the Conservation Area or the streetscene. A number of objections had been received in relation to Plot 1 to the west of the site particularly with regards to overlooking, loss of privacy and impact on the Conservation Area. Plot 1 had been revised from the previously refused scheme to be single storey. These issues had been assessed in the report and it was considered that due to distance separations, design, size and relationship to windows of adjoining properties that the proposal would not have an adverse impact on the amenities of adjoining properties.**

(Councillor Illingworth entered the Meeting during consideration of the previous item.)

(2) Application : 10/00705/FUL
Applicant : Mr and Mrs M Jinks
Location : Field OS 1095, Main Street, Twyford
Proposal : Erection of detached house and garage.

(a) The Principal Planning Officer (JW) stated that :-

- (i) the application sought planning permission for the erection of a detached house and garage. The site was a former farm holding within the Main Street at Twyford within the Village Envelope;
- (ii) the main issues with regard to this application was whether the dwelling meets identified housing need and whether the design was considered to be acceptable. The application was considered to be acceptable in terms of highway safety and its relationship to neighbouring properties;
- (iii) there was a balance of policy objectives to be considered when deciding this application. Whilst the principle of the development was supported in terms of OS1 the application proposed the erection of a large four bedroom dwelling which was not considered to meet the identified housing need for this part of the Borough. An outline consent did exist on the site which agreed the principle of a dwelling but imposed a restrictive condition that any subsequent design for the dwelling should meet identified housing need which in this locality was 2/3 bedrooms;
- (iv) the application had received numerous support in respect of the family, improvement to the site and the suitability of the site. The applicant had also stated that it was not viable to provide a smaller property on the site. The level of support was noted, however, the personal circumstances of the applicant was not a material consideration and it was not considered that sufficient justification had been provided to outweigh the need to provide housing to meet the identified local need in line with PPS3;
- (v) another issue was the design of the proposed dwelling, it was not considered that the design reflected the locally distinctive character of the village. Whilst it was acknowledged that the site was untidy and could be improved by the development, it was considered that the proposed design failed to reinforce the locally distinctive character and therefore would detract from the character of the village.

Councillor Barnes moved to suspend standing orders to allow Members of the Public to speak (who had been unable to register to speak). Councillor Moncrieff was a seconder for this motion. The motion to suspend standing orders (in relation to public speaking) was unanimously carried.

(b) Mrs S. Johnson was invited to speak on behalf of Twyford and Thorpe Satchville Parish Council and stated that :-

- they were speaking in support of the applicant
- the family had lived in the village for 18 years
- the site already had outline planning permission
- the plan had been altered with guidance received from the planning department
- the local housing was of a mixed character
- there was a local shortfall of bungalows
- the family required a 4 bedroom house
- there was no shortfall of 2/3 bedroom homes on the market
- the family needed a 4 bedroom house
- the site was currently an eyesore
- the site also was attracting rats and criminal activity
- the locals were in favour of the proposals
- the Parish Council had written a letter of support
- there had been no letters of objection

(c) Mr Jinks was invited to speak on the application and stated that :-

- the site had outline planning permission
- the site had been become overgrown and attracted rats
- local residents wanted the site to be developed
- they had personally designed their home
- they had tried to maximise benefits of the site whilst not affecting neighbours
- they had designed the accommodation to be largely to the rear of the property to help prevent overlooking
- they lived in the village and had tried to be sympathetic
- the broken roof lines were similar to local homes
- written support had been received from the Parish Council
- there had been 31 letters of support
- there had been no objections to the proposals
- the Highway Authority had granted conditional approval
- the proposals were in the best interest of all the neighbours

The Principal Planning Officer (JW) stated that market housing demand was not the same as housing need and Officers had to look at what the housing need was for the area.

Councillor Barnes stated that there had been an overwhelming level of support for the application and felt that the policy was unfair with connection to this site. Councillor Barnes moved to delegate to permit the application. Councillor Holmes was a seconder for this proposal.

Councillor Cumbers considered that she could not support the application as lots of issues had been raised that were not related to planning policy and the clearing of an untidy site was not an adequate reason to permit the application.

Councillor Botterill considered that policies were preventing houses from being built when there was a housing shortage. The Planning Policy Officer stated that housing assessment studies had shown that there was an excess of larger properties south of the Borough and changes in the population would exacerbate the problem. The Planning Policy Officer noted that there would be a need for smaller properties in the future.

Councillor Illingworth stated that he did not like going against policy but on balance the application's positive points outweighed its negative points.

Councillor Baguley highlighted concern about the design. Councillor Barnes noted that there was no overall particular style of building in the village and added that the conditions could specify that old brick be used in the properties construction.

On being put to the vote, the motion to permit was carried with 5 in favour and 2 against.

(Councillor Cumbers and Chandler requested that their vote against the decision be recorded.)

(Councillors Botterill and Moncrieff abstained from voting.)

DETERMINATION : Delegate to Permit for the following reason(s) and subject to the following condition(s) :-

1. The proposed development was considered to accord with Policies OS1 and BE1 of the Adopted Melton Local Plan and would have no adverse impact upon the amenities of neighbours or highway safety and was an appropriate design. Whilst it involved the creation of a larger 4 bedroomed dwelling that failed to satisfy the identified housing need for the area, the development was located in a sustainable settlement and was considered to be appropriate because :-

- (i) it would result in the release of the applicant's current dwelling on to the market and this relates to a smaller unit, thereby assisting in meeting local housing needs;**
- (ii) the development of the site would significantly enhance the currently de-graded nature of the site;**
- (iii) it would assist in meeting the quantitative local housing targets;**
- (iv) it would provide for local employment during the construction works**

No other factors were present to indicate that the decision should depart from the terms of the Development Plan.

Conditions

- 1. The development shall be begun before the expiration of three years from the date of this permission;**
- 2. No development shall start on site until all external materials to be used in the development hereby permitted had been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;**
- 3. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development;**
- 4. Hard and soft landscaping works shall be fully carried out in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice;**
- 5. Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as was reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation;**
- 6. Before building works commence the hedge on the highway boundary to the south east side of the access shown under the applicants control, shall be cut back/trimmed so as to provide a minimum visibility splay of 2.4 metres by the maximum that can be achieved under the applicants control, whereas all obstruction that exceeded a height of 0.6 metres and below a height of 2.0 metres above the level of the adjacent carriageway was removed and thereafter this splay shall be permanently be so maintained;**
- 7. Notwithstanding the details submitted, the proposed parking and turning area shall be enlarged to ensure that vehicles can enter and leave the site in a forward direction, in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. The approved scheme shall then be provided, hard surfaced and made available for use before the dwelling was first occupied and shall thereafter be permanently so maintained;**

8. Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only;
9. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained;
10. Before first occupation of the dwelling, the proposed access drive and turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

D55. DEVELOPMENT CONTROL PERFORMANCE 2010/11

The Head of Regulatory Services submitted a report (copies of which had previously been circulated to Members) to advise the Committee, of the Performance Indicator outcomes related to the determination of planning applications for Q3 (October to December 2010), the workload trends currently present and the general performance of the team.

Members noted concerns about the current restructuring and how this could impact on the management of major applications. The Head of Regulatory Services stated that they were looking at benchmarking data from 89 other authorities and would report back to Members.

Councillor Barnes enquired if shared services were an option to look at further. The Head of Regulatory Services stated that Melton was initiating discussions around shared services with neighbouring authorities.

RESOLVED that the current performance data be noted.

The meeting which commenced at 6.00 p.m. closed at 6.55 p.m.

Chairman