



MEETING OF THE
DEVELOPMENT COMMITTEE

BOARDROOM, MELTON MOWBRAY

11 August 2011

PRESENT:

P.M. Chandler (Chair)
P. Baguley, G.E. Botterill, J. Douglas
M. Gordon, J. Wyatt
P. Cumbers and J. Moulding.

Observer

Cllr Wright, Cllr Holmes

Head of Regulatory Services (JW)
Applications and Advice Managers (JW and KM)
Solicitor to the Council (ML), Principal Planning Policy Officer (DP)
Administrative Assistant (JB)

D24. APOLOGIES FOR ABSENCE

Cllrs T. Moncrieff, J. Simpson and J Illingworth

D25. MINUTES

Approval of the Minutes of the Meeting held on 28 July was proposed by Cllr Chandler and seconded by Cllr Wyatt. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

There were no matters arising from the minutes of 28 July 2011.

D26. DECLARATIONS OF INTEREST

None

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 reports.

D27. SCHEDULE OF APPLICATIONS

- (1) **Reference: 11/00338/OUT**
Applicant: Mr Brian McNulty - Ashwood Land and Property Limited
Location: The Old Clay Pit, Grantham Road, Bottesford
Proposal: Residential development of 50 dwellings including affordable housing, open space, attenuation pond, landscaping, access, roads and all other associated works on Grantham Road Bottesford.

(a) The Applications and Advice Manager (JW) stated that:

This application seeks outline planning permission for the erection of 50 dwellings which include affordable housing, associated infrastructure, open space and balancing pond. The application seeks outline consent for access only with all other matters reserved.

Since publication of the report a letter from the agent has been received stating that; they would expect some comments on the recently published draft NPPF especially in relation to the requirement for Councils to provide a 5 year supply of housing land plus an additional 20% and that using the land supply calculations set out in the policy response, which they maintain are not correctly calculated inline with current Government guidance, they consider that Melton does not meet the 5 year supply plus 20% calculation. Whilst the NPPF is in draft at this point as it is draft national policy they consider that it is a material consideration, in particular as it shows the Governments direction of thought on planning matters, and therefore was pertinent to this application.

In response to this; with regards to the 5 year land supply the council disagrees with the agents calculations and are of the opinion that we have a 5 year land supply. With regards to the draft National Planning Policy Framework, it is the view of Melton BC that the content of the NPPF can only be afforded minimal weight. The proposals for NPPF are at their very earliest stages and there can be no certainty if they will be adopted in the form they take in the consultation document nor when this may take place. The consultation period began on 25th July 2011 and runs until 17th October 2011 and as such only after this date will there be any evaluation of its content take place.

With regards to the application the site is a greenfield site outside the village envelope for Bottesford within the open countryside and therefore is in a location that represents an unacceptable encroachment in to the countryside. The applicant has not advanced sufficient justification for allowing the development contrary to the development plan. PPS3 states that the planning system should deliver a flexible,

responsive supply of land and requires Local Authorities to identify a 5 year land supply. Where the authority cannot demonstrate a 5 year land supply they should release proposals for new housing providing that other planning concerns are met. As such, in the case of this application, it is considered that there are no material considerations that would warrant the granting of planning permission in this instance as there is an identifiable 5 year housing supply as required by PPS3, detailed in the report. The main issue of contention between the Local Planning Authority and the applicant is on the calculation of the 5 year land supply and the treatment of small site. The applicant regards small sites as windfall, however, the Council considers these sites as an integral element of supply and they are deliberately planned for through the Local Plan and will be in the LDF. The authority has been subject to appeals and a public enquiry on this issue, the site in Asfordby, and the Inspector supported their inclusion in the calculation of land supply. We are satisfied that the calculations have been undertaken correctly and that we met the 5 year land supply.

The proposal would encourage the use of the private motor car, and it represents a sizeable element of the overall annual housing requirement that should be directed to Melton Town and the release of greenfield sites should be on the basis of the Plan-led system and considered and assessed through the Local Development Framework process and not on the basis of individual applications. It is also considered that a development of 50 dwellings on a site of this size would result in an urban form in an edge of settlement location where the general character is of a more spacious and open appearance.

There has been some support for the application identifying the proposal as a benefit to the village, providing affordable housing, supporting local business. However these are not considered to outweigh the development plan.

Accordingly the proposal is recommended for refusal as set out in the report.

(b) An objector, Shelagh Woollard was invited to speak and stated that:

- the site is greenfield and outside the village envelope, the proposals will make the area urban rather than rural
- the proposed density is too high
- this was a landfill site and is likely to be contaminated
- the location is not sustainable and will encourage the use of cars, especially as there is a restricted bus and train service in the area
- the access affords poor visibility with surveys showing that 71% of vehicles speed on this route
- Severn Trent have to deal with sewerage issues in the area and this proposal will worsen these issues
- there is a rich variety of wildlife within the proposed site
- flooding occurs on the site and the proposal may cause flooding in surrounding areas.

(c) The agent for the applicant, Laura Tilson was invited to speak and stated that:

- Bottesford is a highly sustainable village

- though the site is outside the village envelope it is suitable for housing rather than farming due to the history of the site
- the Council have not met the 5 year housing land supply requirement, more land such as this should be available for housing. Draft national guidance is proposing extra land to be made available over and above previous figures and this site would help to meet those proposed targets
- the design of the proposal is the result of extensive negotiations with planning officers
- the proposed density is in line with current requirements
- the number of affordable homes being proposed is advantageous and therefore the application should be approved.

(d) Cllr Fred Seddon, on behalf of the Parish Council, was invited to speak and stated that:

- the Parish Council have considered the application carefully and listened to the concerns of the local residents
- the development is outside of the village envelope and therefore is not current policy
- possible unforeseen hazards could be present considering it was a landfill site
- test holes for the survey seem to have been undertaken around the periphery of the site only
- there is no footpath linking the site with the village and this is dangerous for potential pedestrians
- vehicle usage is encouraged as the site is away from the main amenities of the village
- the development will increase local sewerage and water pressure problems
- there is plenty of affordable housing being encouraged at other sites within the village envelope.

(e) Ward Councillor, Cllr Wright was invited to speak and stated that:

- he had received 76 representations, of which only 5 were in support
- he had little to add to the excellent officer report but wished to say that the village envelope is a carefully considered issue and should be adhered to
- there are concerns over contents of the site as it was a landfill for years
- other sites within Bottesford are being actively pursued for affordable houses
- the draft document referred to by the agent should not be taken into account as the application should be assessed on the documents before the Members.

The Applications and Advice Manager (JW) replied to points raised:

- to Mrs Woollard and the Parish Council; contamination, highway access and wildlife have all been assessed by the relevant bodies and the resulting reports are summarised in the officers report. Each issue has been mitigated satisfactorily
- to Laura Tilson; guidance states that density should be in keeping with the area rather than follow a standard for all sites. The affordable housing units only amount to a percentage of the site and therefore the proposal does not qualify as an 'exception site' (if it were an exception site then the building of units outside the village envelope may be permitted on certain occasions).

The draft Policy documents referred to can be a material consideration by given their recent release and that they are at 'draft consultation' stage, then very minimal weight should be given to them. She also read the guidance issued to Inspectors which states that the weight given should be determined by the decision maker

The Principal Planning Policy Officer replied to the agent that the council accepts that the agent has formed different projection figures for housing supply but advised that the Council calculates that there is a 5.5 year land supply available and therefore there is not the extra pressure brought by PPS3 to approve this proposal.

A Cllr commented that this site is outside the village envelope. This envelope was put in place to stop encroachment on rural areas and should be maintained.

Cllr Gordon sought more information regarding affordable housing.

The Chair replied that there are other sites in the village envelope being considered by Housing Associations, primarily in small clusters rather than large proposals.

The Head of Regulatory Services stated that Planning Policy Statement 3 defines affordable housing in terms of tenure and subsidy.

The Principal Planning Policy Officer confirmed that there are active exception sites in Bottesford.

Cllr Cumbers stated that although this is classed as a greenfield site it was a formerly a tip infilled with waste. The mix of housing was nice but the development was in the wrong place. Cllr Cumbers proposed refusal of the application.

Cllr Baguley seconded the proposal because the site is a long way out of the village and would encourage the use of cars.

Cllrs were concerned about settlement issues on the landfill site.

A Cllr agreed that it was a good development but was proposed in the wrong place.

The Chair, who represents the Bottesford Ward, stated that 50 dwellings outside the current village envelope is contrary to both National Policy guidelines and Policy OS2 of the Adopted Melton Local Plan.

On being put to the vote the application was refused unanimously.

DETERMINATION : Refuse, for the following reasons:

1. This is a greenfield site which lies outside of the village envelope and within the countryside and in a location that represents an unacceptable encroachment in to the countryside as the proposal is not one of the types of development permitted within the countryside by Policy OS2 of the Adopted Melton Local Plan, and the applicant has not advanced sufficient justification

for allowing the development contrary to the development plan. It is therefore contrary to national policy contained in PPS 3 and PPS 7 and it conflicts with Policy OS2 of the Adopted Melton Local Plan.

2. Within the Borough of Melton there is currently an identifiable 5 year housing supply as required by PPS 3 and therefore there is no over-riding need to release the application site contrary to the provisions of the development plan. The benefits that have been advanced by the applicant are not considered to outweigh the harm caused by the proposals and the site is not considered to be a sustainable location where the development of a significant housing development of this nature would be likely to generate significant traffic movements by the private motor car, contrary to the objectives of PPS1 and PPS3.
3. The development of 50 dwellings on a site of this size would result in an urban form in an edge of settlement location where the general character is of a more spacious and open appearance and the proposal fails to reflect the locally distinctive character of Bottesford and would be detrimental to the character and form of the settlement. The proposal would therefore conflict with the provisions of Policy BE1 of the Adopted Melton Local Plan.

**(2+ Reference: 11/00431/FUL &
3) 11/00432/FUL**
Applicant: Mr D Vinden & Mr L Orridge
**Location: 11/00431/FUL Rose Caravan, 2 Park Avenue,
Melton Mowbray, LE13 0JB &
11/00432/FUL Land Adjacent 2 Park Avenue, Park
Avenue, Melton Mowbray, LE13 0JB**
**Proposal: Application for a pair of semi detached dwellings
&
Demolition of existing structure and erection of 2
two bedroomed flats.**

(a). The Head of Regulatory Services stated:

Members will recall these applications from the meeting in May, and that they were refused because we were not persuaded that no other suitable sites were available that were free from the flood risk that affects these sites.

The applicant has undertaken further investigations into potential alternative sites which has included direct contact with the owners. This has had the effect of ruling out those over which we had severe doubts and as such we are satisfied that the 'sequential test' of PPS25 has been met. The details of this is set out on pages 4,5 and 6 of the reports.

PPS25 also requires that the 'exception test' is applied if the sequential test is passed and this requires that consideration is given as to whether the sites are sustainable in terms of location and existing status, the development is safe from flooding and that it won't have knock on effects elsewhere. It is our view that this is a brownfield site, close to the town centre that is ideally suited for housing , and that technical investigations have shown it to be safe (page 6).

Finally, the EA have made comments now that the sequential that the Sequential Test has been passed and have asked for 2 conditions to be applied:

- Specifying the floor level to 72m AOD (as per the plans)
- Measures to prevent any contaminants from escaping from the site.

There were no speakers for these applications.

Cllr Botterill recalled the previous debate, stated that he was satisfied with the Environment Agency's comments and was happy to propose approval of the application.

Cllr Wyatt seconded the proposal.

On being put to the vote the application was approved unanimously.

DETERMINATION : Approve both applications in accordance with the conditions set out in the report and the additional conditions as recommended by the Environment Agency, for the following reasons:

The proposal has been designed to have no impact on adjoining properties, is appropriate in design to the streetscene and is acceptable in terms of highway safety. It is located in the town envelope the development is therefore considered to be in a sustainable location and meets the requirements of PPS1 and PPS3 and also provided housing to meet identified housing need. The applicant has provided information of alternative sites and the proposal is considered to have passed both the sequential test and the exception test as defined within PPS25.

(4) Reference: 11/00381/FUL
Applicant: Mr Fionda
Location: Land to the rear of Berkley Arms, 59 Main Street, Wymondham, LE14 2AG
Proposal: Proposed accommodation to the rear of Berkeley Arms to be used in connection with the public house.

(a). The Applications and Advice Manager (JW) stated that:

This application seeks planning permission for accommodation to the rear of the Berkeley Arms public house. The application proposes a three storey detached

dwelling which will be used to provide staff accommodation and potential Bed and Breakfast accommodation. The application is to provide a commercial facility to enable the existing public house to expand its restaurant facilities. The site lies within the village envelope and conservation area for Wymondham. Members may recall that two previous applications on this site have been presented to committee for the erection of a dwelling. These applications were refused and subject to appeal which was subsequently dismissed on the grounds that the proposed dwelling did not support the local housing need.

There are no updates to report on the application.

The main issue is considered to be whether the revised proposal has overcome the previous ground for refusal, its compliance with Policy, its impact on the neighbouring property and impact on the Conservation Area. The previous applications were refused as they proposed a three bedroom dwelling which did not meet identified housing need, this application proposes separate commercial accommodation to provide facilities to the existing public house. The proposed dwelling is to be used to provide additional accommodation to the public house and a potential B&B, conditions can be imposed to ensure that it is tied to the public house and cannot become available for open market housing. It is considered that this has overcome the previous ground for refusal that was upheld at appeal and the commercial facility is considered to provide support for an existing rural business and complies with PPS4, OS1 and BE1. The size, design and location of the dwelling remains the same as the previous refusal and the issue of the impact on the Conservation Area and neighbouring properties was considered acceptable by the Inspectorate.

It is considered that the proposal has overcome the previous ground for refusal and accordingly the proposal is recommended for approval as set out in the report.

There were no speakers for this application.

Cllr Botterill noted that public houses are on the decline and that this proposal was a positive step for the business. Cllr Botterill proposed approval of the application.

Cllr Baguley seconded the proposal.

Members stated that a condition imposing a tie to the public house was satisfactory.

Cllr Cumbers asked if the trees on site were protected.

The Applications and Advice Manager (JW) replied that the site is in a conservation area and as such, works to trees need prior approval by the authority.

On being put to the vote the application was approved unanimously.

DETERMINATION : Approve in accordance with the conditions set out in the report for the following reason:

The proposal seeks to support the expansion of The Berkeley Arms public house to aid its long term viability. The current application is specific in its intentions and these have the effect of removing the potential for the development to form part of the general housing market. Accordingly, the previous reasons for refusal (which were founded upon housing market issues) are not engaged by this application and are considered to have been overcome. It is considered that matters relating to impact upon the character of the Conservation Area have been overcome and there will be no impact upon neighbouring properties.

The proposal will be occupied by staff and used as bed and breakfast facilities and will support the long term future of a rural business. The site has adequate access and parking facilities and accordingly the application is recommended for approval subject to the conditions below. .

(5) Reference: 11/00451/FUL
Applicant: Mr And Mrs R Pilkington
Location: Cresswell Spring Farm, 19 High Street, Waltham
On The Wolds
Proposal: Relocation of previously approved cart shed
(10/00697/FUL)

(a). The Applications and Advice Manager (KM) stated that:

Planning permission is sought for a detached garage building with studio accommodation above, and an area of car parking and turning to the rear. Planning permission has previously been granted for a similar garage building in a different location.

As stated in the report it is not considered that the proposal will adversely affect the residential amenities of neighbouring properties and the design and materials are identical to the previously approved building. It is therefore considered that the main issue relating to the proposal is whether the location of the proposed garage is acceptable in view of the 'protected open area' status of the site.

Policy BE12 of Melton Local Plan states that Permission should not be given for development within a Protected Open Area, unless it is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area. The proposed development would be a building of significant size and would lie within the area allocated under BE12. Although now a garden area, the site is a former paddock comprising of an open and unobstructed expanse of grass described in the Local Plan as an area of particular significance to the village form. The proposal is a separate building, however, it is proposed to be associated with the dwelling previously approved and in this respect meets the first test of Policy BE12. However, the location of the garage now proposed is further to the north and

together with the parking area therefore encroaches much more into the Protected Open Area (approx 21 metres).

As noted in the report this application has strong similarities to an application that was granted on appeal, to develop on a protected open area at the rear of The Wheel on High Street, Waltham on the Wolds. This proposal, in common with the appeal decision, would be located in a Protected Open Area to the rear of the host dwelling. However the land to the rear of Cresswell Spring Farm is considered to be far more open and undeveloped than that to the rear of The Wheel. There are also limited public views into the site from the footpath to the north east corner.

Accordingly it is considered that the significant size of the proposal, together with the associated parking area intrudes further into the 'protected open area' and would adversely affect the intrinsic character of the area. As such the proposal is considered to be contrary to policy BE12 of the Melton Local Plan and is recommended for refusal.

(b) The applicant, Mr Pilkington was invited to speak and stated that:

- the structure is thoughtfully designed and will be made of English Oak
- there is already a play-area on the site
- he believes it will enhance the area
- the previously approved position is too near to the house
- the site is similar to the Wheel on High Street, which he believed set a precedent
- the proposed siting is still close enough to the building to make it acceptable
- there is no view to the site from a public path
- they would like to make best use of the area.

(c) Ward Councillor, Cllr Holmes was invited to speak and stated that:

- Waltham has very little green space in the village and that what is there should be protected
- there have been a number of objections to this proposal including from the Parish Council
- believes the applicant has gone far enough into the open space already.

The Applications and Advice Manager (KM) replies to the applicant:

- the play-area referred to was altered to reduce its impact on the open space
- The application at 'The Wheel' does have some similarities but these are not outweighed by their differences and therefore the applications should be considered on their own merits.

A Cllr asked about the separation distance between the proposed building and neighbouring dwellings.

The Applications and Advice Manager (KM) replied that the distance is 14 metres and is considered acceptable.

Cllr Baguley stated that she opposes a reduction of open space in Waltham and this would be a significant reduction. Cllr Baguley proposed refusal of the application.

Cllr Cumbers seconded the proposal and stated that open areas are precious and should be protected.

The Chair felt that there was no justification as to why the building should be further into the protected open space.

On being put to the vote the application was refused unanimously.

DETERMINATION : Refused, for the following reason:

The proposed development would result in the erection of a substantial building on a Protected Open Area which would adversely affect the area's intrinsic open character, contrary to policies OS1, BE1 and BE12 of the adopted Melton Local Plan.

D28. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.00 p.m. closed at 7.20 p.m.

Chairman