



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

24.05.12

PRESENT:

P.M. Chandler (Chair), P. Baguley, P. Cumbers
J. Douglas, E Holmes, M. Gordon, J Simpson

Observing Councillor: A Jones-Freer

Applications and Advice Managers (JW & KM)
Solicitor to the Council (VW), Policy Manager (DP)
Administrative Assistant (JB)

D91. APOLOGIES FOR ABSENCE

Cllrs G.E. Botterill

D92. MINUTES:

Approval of the Minutes of the Meeting held on 26th April was proposed by Cllr Gordon and seconded by Cllr Baguley. It was unanimously agreed that the Chair signed them as a true record.

There were no matters arising from the minutes of 26th April 2012.

D93. 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.

D94. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 12/00208FUL
Applicant: Westminster Developments
Location: Land adjacent 7 Ashby Road Gaddesby
Proposal: Erection of 5 new build houses

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

This application seeks approval for the erection of five new dwellings on the site of a former petrol station. The application proposes the erection of 3 two/three bed terraced properties, a three bed bungalow and a 5 bed dwelling. The site lies within the village envelope on the edge of the Conservation Area.

There is an error on page 5 in the report, the plot number of the Bungalow should be 'Plot 5' and the five bed roomed dwelling should be noted as 'Plot 4'

Since publication of the report, comments have been received from the Parish Council on the amended plans stating that they have no further comments to make.

LCC Archaeology also commented stating that the application site lies in an area of archaeological interest, within the medieval and post-medieval historic settlement core of the village. Consequently, there is likelihood that buried archaeological remains, particularly those dating from the medieval and post-medieval periods, will be affected by the development. To ensure that any archaeological remains present are dealt with appropriately, the County Council are requesting that the applicant should provide for an appropriate level of archaeological investigation and recording and request this imposition of archaeology conditions.

The application proposes a development of 5 dwellings on a brownfield site located in the middle of the village. The design of the dwellings are considered to be of high standard and are considered to be respectful to the area. The scheme proposes a mix of dwellings that on the whole meet identified local need. However, the proposed 5 bed dwelling does not meet identified need, a judgment has been taken that on balance the scheme provides a mix of dwellings increasing the choice of housing in the community. Therefore the proposal is recommended for approval as set out in the report with the addition of archaeology conditions as requested by the County Council.

(b) Howard Bakewell, speaking on behalf of the Parish Council, was invited to speak and stated that:

- The Parish Council unanimously agreed to support the local community in their concerns regarding this application
- It was also agreed that there is a need to develop the site

- The Parish Council believe that new legislation should give local residents more say in how sites are developed.

(c) Richard Wesson, an objector, was invited to speak and stated that:

- There have been numerous letters of objection
- Local residents agree that the site does need developing but that the proposals should be sympathetic with the rural character of the village and reflect local features such as housing density
- Some of the plots will result in a loss of privacy to neighbouring properties
- Due to the topography of the site, some plots will have a dominating affect on the area
- Previous applications for the site have been refused. [The speaker quoted from previous refusal notifications and paraphrased some of the reasons for refusal].
- The size and density of the proposed dwellings leave no room for play areas for children moving into the proposed family houses
- Inaccuracies in the plans give the impression that the terrace of houses will be further back from the highway than they will be
- The proposed terrace will be too near to the highway
- The number of houses proposed should be reduced and the topography of the site should be taken into account.

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

- They are aware that the proposals have attracted objections regarding highway safety, design and overdevelopment of the site
- The officers report details the planning considerations concluding with the recommendation to approve the proposals
- The site visit revealed that the site should be developed and this development will enhance the village
- The application finds a balance between providing diverse market housing on the site that meets local needs and ensuring financial viability with the larger dwelling
- The proposals improve footpaths and highway safety around the site
- Objections have to be weighed against national and local policies.

The Applications and Advice Manager (JW) replied:

To Mr Wesson:

- The site section clearly shows the relative heights of the existing and proposed houses – as displayed on screen.

- Regarding the previous reasons for refusal, JW clarified the reasons and noted the main differences between the applications, stating that these reasons have been overcome in the opinion of the officers, in this application.
- Regarding inaccuracies pointed out; the drawings submitted are to scale and indicate that the distance between the boundary and dwellings is 0.5 metre.

To Mr Botterill:

- Regarding national and local policy; noted that the terraces and bungalow meet local needs for house types however, Plot 4 (the 5 bedroom dwelling) does not. JW asked the Members to weigh the benefit of the 4 dwellings meeting housing need against the one dwelling that does not.

The Policy Manager noted that the officer's report correctly conveyed the position with regard to housing need. Members would need to take a judgement based on the numbers of the proposed houses that would meet housing need against the 5 bedroomed dwelling that would not. Bearing in mind that the NPPF guidance requires a mix of housing and the creation of mixed and balanced communities the recommendation in this instance that on balance there should be no objection on housing need was appropriate.

Cllr Simpson, Ward Councillor stated that:

- The design of the development was pleasant but the proximity to neighbouring properties and the density of the proposed dwelling was unacceptable in a rural village
- The site would look cramped in compared to the surrounding area
- There are concerns that parking provisions, especially for visitors, is inadequate
- OS1, BE1 and the NPPF state that the character of the area should be considered when assessing developments of this kind, whereas this proposal does not reflect local character or housing density
- The size and position of the 5 bedroomed house on Plot 4 will result in an overbearing impression from the neighbouring properties and the plot size is too small for such a size of house.

Cllr Baguley stated:

- concerns that the bedrooms of the terraced houses appear to be small
- the site will become cramped
- The '12 core planning principles' as stated in the NPPF recommends that neighbours amenity should be protected, however, this proposal would lead to a loss of privacy and amenity due to the size and proximity of the dwellings to each other and neighbouring dwellings.

The Applications and Advice Manager (JW) stated that the bedroom sizes are reasonable and this size of dwelling is much needed in Gaddesby.

Cllr Holmes stated concerns regarding the proximity of the terraces to the highway. She also stated that similar a large dwelling to Plot 4 have not sold in her local area and believes that this site will have similar issues whereas providing a further smaller dwelling would satisfy local need better and be saleable.

Cllr Simpson **proposed refusal of the application** because she believes the application is not supported by council or national policy; Plot 4 particularly will cause undue loss of amenity to neighbouring properties and the design and density of the proposals are out of character with the village.

The Applications and Advice Manager (JW) confirmed the reasons for refusal.

Cllr Holmes **seconded the proposal for refusal** especially as the proposal will result in an over intensification of the site.

Several Councillors agreed that Plot 4, the largest dwelling proposed, is the most cause for concern. The site visit confirmed that the plot is on the higher part of the site and would probably dominate the site.

A vote was taken. 5 voted to refuse, 1 voted against refusal and 1 abstained. Cllrs Cumber asked for her abstention be recorded.

DETERMINATION: REFUSED for the following reason;

The proposed dwelling in Plot 4 by virtue of its size, scale, mass and siting is considered to have a detrimental impact on the form, character and appearance of the settlement and is not considered to be in keeping with the locality. The proposed dwelling at Plot 4 would appear cramped due to the size and scale of the dwelling and would not be in keeping with the form and character of the surrounding area. The dwelling would also have an impact on the privacy, outlook and amenities of the neighbouring properties. The proposal therefore conflicts with Policy OS1 and BE1 of the Melton Local Plan and the objectives of the NPPF, particularly paragraphs 59, 61 and 64.

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- (2) **Reference:** 12/00145/FUL
Applicant: Marston's Inns And Tavern
Location: The George Hotel, 8 High Street, Melton Mowbray
Proposal: Ground floor internal works to create 2 no retail units and 2 no new flats, Internal works to first and second floors to create a further 10 no flats and works to external yard including the creation of a further 1 no duplex apartment

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

Planning permission is sought for the conversion of Grade II listed George Hotel to form two retail units on the ground floor, 12 flats, and a new build residential unit adjacent to the stable outbuildings with coaching arch enabling access into the rear courtyard.

The application site lies within the Town envelope and Conservation Area of Melton Mowbray and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of the NPPF in terms of sustainability. As set out in the report the proposed development has been designed to have limited impact on adjoining properties and 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 proposals will help to secure the continued use of the building as a whole for the foreseeable future and will ensure that the existing buildings which are currently under utilised and in a poor state of decoration and repair are refurbished in an appropriate manner. This will help to enhance the character and appearance of the Listed Building and the Conservation Area.

However, the proposal does not satisfy the normal requirements in terms of affordable housing and infrastructure contributions. These omissions are themselves contrary to Development Plan Policy (H7 and OS3 respectively) and NPPF objectives and a balanced judgement therefore needs to be taken between the conservation interests of the proposal and the requested affordable housing and infrastructure contributions as set out in the report.

The Melton Local Development Framework Core Strategy proposes that all residential dwellings which are granted planning permission need to make a contribution towards affordable housing provision and the 40% policy requirement was adopted in accordance with saved policy H7 of the Melton Local Plan. The applicant has submitted a viability statement to support the application which states that the viability of the scheme is highly suspect from a profitability and viability point of view even before any contributions under s106 and the provision of affordable housing are accounted for within the scheme. Accordingly the imposition of Affordable housing requirements and developer contributions would render the project totally unviable.

In order to test and confirm the applicant's viability statement the Council commissioned an Independent Viability Assessment which concludes that the proposed residential development scheme is not viable with the contributions sought. Accordingly, it is considered that in this instance, given the outcome of the viability assessment, along with the individual circumstances of this application in terms of its benefit to conservation interests, that there is justification for the development to be approved without a requirement for affordable housing or the requested LCC developer contributions.

No new representations have been received since publication of the report and

accordingly the application is recommended for approval as set out in the report.

The Chair remarked that there were no speakers on behalf of this application. She went on to voice her disappointment that no Ward Councillors had come to support the application to restore and save one of Melton's historic buildings.

Cllr Baguley **proposed to permit** the application as she likes the proposal and believes it to be a better option than leaving the building empty. She would like to see the development be named something that drew attention to the history of the site.

Cllr Cumbers **seconded the proposal to permit** and agreed with the officer's report on the circumstances necessitating the removal of requirement on the applicant to provide contributions or affordable housing.

The Chair stated that her only concerns were that of restricted parking at the site.

Cllr Cumbers noted that the previous use must have provided some parking and suggested this would be sufficient for the proposed use.

The Applications and Advice Manager (KM) referred to the officer's report and noted that the County Highways department had been consulted and not objected to the proposals.

Cllr Gordon stated concerns that the proposed parking would result in difficulty for local residents to access their dwellings.

The Applications and Advice Manager (KM) replied that the parking bays met requirements and corresponded to existing parking bays that did not hinder existing movement.

Cllr Holmes asked that the façade be protected and maintained.

The Applications and Advice Manager (KM) replied that the majority of the façade was being retained and repaired. She referred Members to the suggested condition that the applicants apply for further permission specifically regarding the windows and shop fronts.

Cllr Simpson noted that it was important to the prosperity of the town centre to encourage good quality retail units that offered flexibility for businesses. She went on to say that although she had concerns about parking the benefits of retaining the building outweighed these.

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

DETERMINATION: PERMIT, for the following reasons:

The proposals are considered to have a negligible impact on the special architectural and historic interest of the building and will enhance the character and appearance

of the Listed Building and Conservation Area. They are also considered to be acceptable in terms of residential amenity and highway safety. Accordingly, it is considered that in this instance, given the outcome of the viability assessment, along with the individual circumstances of this application in terms of its benefit to conservation interests, that there is justification for the development to be approved without a requirement for affordable housing or developer contributions.

- (3) Reference: 12/00257/FUL**
Applicant: Mr & Mrs Barlow
Location: 2 Mere Road, Waltham on the Wolds, Melton Mowbray LE14 4AL
Proposal: Installation of underground LPG tank in garden of new bungalow to be constructed as 2a mere Road re planning approval reference 11/00915/FUL

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

This application seeks planning permission for the installation of an underground LPG tank to serve a new bungalow. Planning permission is only required as permitted development rights have been removed from the property.

There are no updates to report on this application.

The installation of the tank is considered acceptable, would not be visible in the streetscene or affect the amenities of existing dwellings. Accordingly the application is recommended for approval as set out in the report.

Cllr Holmes, Ward Councillor for the area, questioned several aspects of the application including:

- The accessibility of the tank for refilling
- The safety of the tank in a domestic garden
- Highway safety whilst the tank was being refuelled
- The size of the tank
- The size of the garden fitting the tank in it

The Applications and Advice Manager (JW) replied that the installation, refilling and safety of the tank were not planning matters and could not be considered as part of this application. She stated that these matters were comprehensively examined by other regulating authorities and if found to be unsafe or not meeting requirements then the tank would not be installed.

Cllr Holmes reiterated her concerns regarding the safety of the proposed tank.

The Chair reminded Members that other regulating authorities carefully consider the

safety aspects of the application and that planning considerations such as the effect on public amenity should be reviewed as these were within the committee's remit.

Cllr Cumbers **proposed approval of the application** as it would not adversely impact residential amenity.

Cllr Gordon agreed and **seconded the proposal for approval.**

Cllr Holmes reiterated her concerns regarding the safety of the proposed tank.

Solicitor to the Council (VW) replied by reminding Members of the statement made by the Applications and Advice Manager (JW) regarding the remit of the committee and the separate regulations controlling safety of gas tank regulations. She added that planning regulations are very clear on the distinction between the two.

Cllr Holmes stated that she felt that if this application was permitted it would result in more development on the site, such as a porch or an extension.

The Applications and Advice Manager (JW) stated that in all cases, an application for any development would have to be made to the council as 'Permitted Development Rights' had been withdrawn from the property. And that this results in complete control of any further development on the site, which would to be considered on a case by case basis according to procedure.

Cllr Simpson noted that the previous planning application relating to 2 Mere Road had resulted in the removal of 'Permitted Development Rights' specifically to ensure that the council retain control of future development at the site.

A vote was taken: 5 in favour of approval, 1 against and 1 abstention.
Cllrs Holmes asked for her vote against approval be recorded.

DETERMINATION: PERMIT, for the following reasons;

The proposal relates to the installation of a LPG tank on a site which lies within the village envelope for Waltham on the Wolds. As such, 'saved' policies OS1 and BE1 of the adopted Melton Local Plan are applicable.

The proposal is therefore considered to accord with the above stated policies and no other factors are present to indicate that the decision should depart from the terms of the Development Plan.

Cllr Holmes left the meeting.

D96. DEVELOPMENT CONTROL PERFORMANCE 2011/12 (Q4)

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

The performance report shows the figures for Q4. Overall the figures have shown an

improvement in performance and the annual figures on the whole have been met. Given the challenges within the teams for the past 12 months the overall level of performance remains satisfactory.

The Chair wished to congratulate the department on their positive results and continued work efforts.

The committee unanimously agreed with the Chair.

Cllr Simpson thanked David Pendle for his hard work with the Development Committee and the Members.

D97. URGENT BUSINESS

None

The meeting commenced at 6:00 p.m. and closed at 7.25 p.m.

Chair