



## DEVELOPMENT COMMITTEE

2 SEPTEMBER 2010

### PRESENT:-

Councillors P.M. Chandler (Chairman)  
P. Baguley, P. Cumbers, E. Holmes  
T. Moncrieff, F. Moore-Coltman, M. Sheldon, J. Wyatt

Head of Regulatory Services  
Planning Officer (DK), Principal Planning Policy Officer  
Democracy Officer (DM)

---

#### D22. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barnes, Botterill and Illingworth .

#### D23. MINUTES

10/00460/COU - Mr J Tearne (Page 42)

(a) Councillor Cumbers requested that her vote against the decision be recorded.

(b) Subject to (a) above the Minutes of the meeting held on 12 August 2010 were confirmed and authorised to be signed by the Chairman.

#### D24. DECLARATIONS OF INTEREST

10/00214/FUL - Mr Stephen Prockter - CPV (Melton) SPV Limited

Councillor Cumbers declared a personal and non-prejudicial interest in the above application due to a Member of her family part owning a building in the area.

#### D25. 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

- 
- (1) Application : 10/00214/FUL**  
**Applicant : Mr Stephen Prockter - CPV (Melton) SPV Limited**  
**Location : Land to the rear of 55 Burton Street, Melton Mowbray**  
**Proposal : New Class A1 discount food store with associated car parking and servicing arrangements.**

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

- The main reason they were objecting was because of the opening hours
- They were not objecting to the shop
- Most of their windows overlooked the site
- The application would be a noise nuisance

Councillor Moore-Coltman stated that he could not support the application and thought that more detail was needed from the traffic survey. Councillor Moore-Coltman further stated that the application would have an adverse impact on the properties situated on Mill Street and Burton Street.

The Principal Planning Policy Officer stated that the site was in the most sequentially preferable site in and around the town centre and judgements needed to be made about the connectivity to the local area.

Councillor Baguley stated that deliveries could take place at all hours of the day and could cause very bad disturbances. Councillor Baguley highlighted that she was not happy with the traffic assessment and would like a further one to be completed.

Councillor Baguley moved to defer the application. Councillor Holmes was a seconder this proposal. Councillor Holmes stated that more thought and consultation was required with the traffic survey and the Council should also seek comments from the Conservation Officer.

Councillor Cumbers stated that traffic would be a real concern and Mill Street was already dangerous for pedestrians. The Head of Regulatory Services summarised that Members were requesting an independent review of the traffic work that had been done in this case. Councillor Holmes requested that the Conservation Officer looked again at the impact the development would have on Burton Street.

Councillor Chandler enquired if the pedestrian aspect of Mill Street could also be investigated. Councillor Sheldon stated that policies OS1 and BE1 addressed any undue loss of amenity and asked if something could be done to look at minimising the impact.

Councillor Moncrieff stated that due to local knowledge about the problems with the roads it would be wise to have an independent study on the viability of the proposals providing the cost was not too high.

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

**DETERMINATION:** Defer, to arrange an independent review of the traffic assessment submitted with the application, in view of concerns relating to congestion and highway safety in the area, particularly in respect of the junction of Mill Street with Burton Street, the footpaths along Mill Street and the proposal for dual use of the access from Burton Street by both vehicles and pedestrians.

---

**(2) Application : 10/00531/FUL**  
**Applicant : Mr Fionda**  
**Location : Land to the rear of Berkley Arms, 59 Main Street, Wymondham, LE14 2AG**  
**Proposal : Proposed new dwelling**

(a) The Head of Regulatory Services updated the Committee as follows:

(i) the applicant had circulated a letter explaining his intentions regarding this proposal and in subsequent conversations had confirmed it should be considered as a regular house;

(ii) this was the manner in which the application was addressed in the report and the key issues were considered to be:

- Local needs
- design and amenity issues

(iii) in the case of the former, the new PPS3 had retained the requirement for us to control housing so that it meets identified local needs. The information from the Housing Policy officer reported on pages 3 and 4 explain how there was an existing over supply of larger properties in this part of the Borough compared to household profile and continued larger development would add to this mis-match.

(a) Miss Fionda was invited to speak on the application and stated that :-

- The site was clearly within the village envelope
- There had been no objections from the Parish Council or the Highways Authority
- Only one letter of objection had been received and this had been dealt with
- The application met Policy PPS3
- With respect to the Housing needs survey – the requirements had been fully met
- Village pubs were under threat
- Minimum densities had been scrapped by the Government

The Principal Planning Policy Officer stated that National Planning Guidance informed Authorities to meet future housing needs and smaller units were needed. The Principal Planning Policy Officer further stated that there was an issue with what had been applied for and what was being proposed.

The Head of Regulatory Services clarified that 'minor amendments' was terminology relating to changes made to permissions granted. The Head of Regulatory Services further clarified that the changes could only be made later if the application was successful. Councillor Moncrieff stated moved to refuse the application due to it not meeting local housing need. This motion was seconded.

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

**DETERMINATION : Refuse for the following reason(s) :-**

- 1. The proposal related to a substantial 'executive' style dwelling, adding to the over-supply of such dwellings as identified in the Councils Housing Market Assessment surveys and as such it did not meet the local demand for smaller 2 and 3 bedroomed dwellings and the proposal therefore failed to reflect the guidance contained within PPS3 – Housing, and conflicted with the requirements of The Melton Local Development Framework Core Strategy (Preferred Options) Jan 2008, which sought to meet the Local Housing need and not add to the over-supply of larger units;**
- 2. The proposed development introduced an alien feature in the form of dormer windows and therefore failed to reflect the locally distinctive character as required by PPS1, and the proposed car parking would be likely to harm the long-term health of the mature tree, resulting in its loss. The proposal would therefore be harmful to the character of the Conservation Area, contrary to Policies OS1, BE1 and BE2 of the Adopted Melton Local Plan.**

---

**(1) Application : 10/00582/VAC**  
**Applicant : Ms Penny Zygmant and Lookmaster Limited**  
**Location : Sysonby Lodge, Nottingham Road, Melton Mowbray, LE13 0NU**  
**Proposal : Variation of condition 2 of permission 04/00918/FUL, to remove the occupancy restriction from unit 5**

(a) Ms L. Best-Hall was invited to speak on the application and stated that :-

- The client had completed the conversion to a high specification
- Significant efforts had been made to market the property which was not selling
- It was important to sell the property because of the restriction
- There was now no policy for the restriction
- The plans were outdated
- The substance of the objections were not planning considerations
- The development complied with policies PPS7
- The restrictions were only imposed for planning reasons and these reasons no longer stood

Councillor Chandler enquired if there was a lack of accommodation for older people. The Principal Planning Policy Officer stated that from looking at the profiles there would be a shortage of accommodation for older people by 2026.

The Principal Planning Policy Officer further noted that Policy PPS3 stated that there should be a mix of housing which should contribute to diverse communities. The Principal Planning Policy Officer summarised by stating that Government guidance had moved on and it was for Members to decide if the advice was still relevant.

Councillor Cumbers stated that something needed to be done about the growing need for comfortable independent living for older people. Councillor Moncrieff stated that it appeared to be a legal matter between the people living there and the company 'Lookmaster Ltd'. Councillor Moncrieff stated that he supported the recommendation and was happy to move it.

Councillor Cumbers stated that it was a policy matter and in the future there should be a policy to state a minimum percentage of housing for older people. The Principal Planning Policy Officer stated that this was being discussed at the Melton Local Development Framework as an aspect of housing need.

Councillor Holmes stated that it was not fair on the people who had bought houses already. Councillor Cumbers enquired if it acceptable to change conditions later on. The Head of Regulatory Services stated that there were specific provisions to allow conditions to be changed and each application had to be assessed and adjudicated on there own merits.

Councillor Cumbers moved to defer the application to obtain legal advice. The Head of Regulatory Services stated that this would not be necessary.

Councillor Moncrieff moved to permit the application and Councillor Sheldon was a seconder for this proposal. Councillor Baguley seconded the motion to defer. The Principal Planning Policy Officer stated that the evidence needed to be looked at rather than the legal process.

Councillor Cumbers stated that she was not happy to reduce the availability for housing older people when there was a need for it. The Principal Planning Policy Officer stated that they could look at the profile but it all came back to the key issue of having mixed and balanced communities. Councillor Cumbers added (to her motion to defer) to obtain further evidence about the housing need. Councillor Baguley seconded the motion to defer.

On being put to the vote, the motion to defer was carried with 4 in favour and 3 against.

On being put to the vote, the motion to delegate to permit was lost with 3 in favour and 5 against.

**DETERMINATION : Defer in order to obtain (i) a legal opinion on whether it was legitimate to amend restrictive permissions after they had been granted and residents had occupied dwelling on the understanding they would apply and (ii) advice from the Housing Policy Officer whether there was evidence of a continuing shortfall of supply for elderly people's accommodation.**

With regard to the next Committee - Councillor Chandler stated that issue of having taxis for site visits was still being investigated.

The meeting which commenced at 6.00 p.m. closed at 7.15 p.m.

Chairman