



MEETING OF THE
PLANNING COMMITTEE

PERA, Nottingham Road, Melton Mowbray

25.05.2017

PRESENT:

J Illingworth (Chair), P Posnett (Vice Chair), P Baguley,
G Botterill, P Chandler, P Cumbers, P Faulkner,
T Greenow, E Holmes, J Wyatt

Solicitor to the Council (SP), Head of Regulatory Services (JW),
Regulatory Services Manager (PR), Planning Officers (LP, GBA),
Administrative Assistant (LR)

PL1. APOLOGIES FOR ABSENCE

Cllr Glancy

Cllr Botterill was not present at the beginning of the meeting.

PL2. DECLARATIONS OF INTEREST

Cllr Posnett expressed a declaration in both Brooksby College applications due to being Governor at Brooksby College and the Chair of Mencap.

Cllr Greenow declared an interest in Plot 2 The Lane Barsby due to knowing the applicants personally.

Both Cllrs to leave the room when relevant applications are discussed.

PL3. MINUTES

Minutes of the meeting 27 April 2017

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

The Committee voted in agreement. It was unanimously agreed by Members that were present at the last meeting that the Chair sign them as a true record.

PL4. SCHEDULE OF APPLICATIONS

- (1) **Reference: 16/00919/FUL**
Applicant: Brooksby Melton College
Location: Brooksby Melton College, King Street, Melton Mowbray
Proposal: Conversion and partial demolition of existing buildings together with new build element to provide an affordable housing scheme of 21 units (18 flats and 3 houses).

(a) The Planning Officer stated that:

Members may remember this application from a previous committee meeting of December 2015 under application reference 15/00247. The proposal is also intrinsically linked to the next item on the agenda 16/00920 at Spinney Campus in Brooksby which was previously submitted under application reference 15/00246. Application 15/00247 was refused for 3 reasons as set out in the report.

Applications 15/00246 and 15/00247 are currently being held in abeyance by the Planning inspectorate, at a planning committee of August 2016 members voted that the council adopts the position at appeal as set out in a previous report, unless its concerns regarding the development at King Street are overcome.

This application 16/00919 has reduced the number units proposed from 25 to 21, all 21 units will be provided as affordable units, the revised proposal also retains the existing frontage building onto King Street and sets back the new build element to Chapel Street allowing more extensive views of the listed church.

23 parking spaces are provided by the new development the 3 houses would have an individual parking space each. Access would be formed from Chapel Street, the application also involves the dedication of land to MENCAP premises to the north. As set out the application is directly associated with application no 16/00920 the applicant has provided details of how the proceeds of the development at the Spinney would support this scheme which represents the delivery of affordable housing in a location more sustainable and appropriate than at The Spinney, Brooksby, and will fund the improvements to Brooksby Hall and the theatre in the college campus on Asfordby Road for which permission already exists.

It is considered that the application presents strongly positive benefits with some very limited harm which must be considered by the committee in reaching its conclusion.

The proposed housing development is situated within the built up area of the town

where development is generally acceptable, importantly it is considered that the application addresses the previous reasons for refusal.

Affordable housing provision remains one of the councils key priorities, this application presents affordable housing that helps to meet identified local needs. The application has some adverse impacts in terms of the potential to impact on the setting of the church, however this is considered to be of very limited importance due to the quality of the views concerned and the fact that the revised scheme retains the majority of these views albeit they are reduced.

In conclusion it is considered that there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing and protection of heritage assets in particular. The balancing issues, which are impact on heritage assets are considered to be of limited harm in this location and the application is therefore recommended for approval subject to conditions as set out within the report.

(b) Angus Walker, objector, was invited to speak and stated that

- This is a reasonable scheme now it has addressed previous design issues
- Could meet housing needs however major flaw funding strategy
- Aware of existing planning criteria. Funding resources used by applicant for other application.
- Unsustainable application. Does not meet current sustainability requirements.

The Chair intervened to ask the speaker not to discuss separate applications and focus on the application on King Street.

Angus Walker continued

- Why no affordable accommodation in the Spinney application – applicants want to maximise funds.
- Affordability is an issue
- Non subsidised developments at King Street.

Members had no questions for the speaker.

Simon Chadwick, on behalf of Brooksby Melton College, was invited to speak and stated that

- Application previously refused and appealed for three reasons
 - Sets building further back, keeps more views of church
 - Heritage assets – retains front of building onto King Street
 - Amended design
- Scheme was previously recommended for approval, feel concerns have been addressed and scheme will provide affordable housing.

A Councillor questioned page 5 of the report. The Chair requested Members only ask questions of the speaker's presentation at this time.

Cllr Botterill joined the meeting at 6.15pm.

The Planning Officer responded to Mr Walker's presentation.

- With regards to viability mentioned by Mr Walker, page 9 of the report has noted comments and stated it does not affect acceptable for this app but relevant to app 16/00920.

The Head of Regulatory Services stated that with regards to funding, there is no viability test with affordable housing. Doesn't affect acceptability of the application. A Councillor stated that

- Brooksby have come back with keeping frontage of 1920s /1930s building. Important to keep heritage.
- Cannot believe a college would want to take down a building at the side of a chapel. Bottom of page 4/ top of page 5 makes reference to medieval. Don't believe every building should be kept but chapel is George IV era.
- Lower down on page 5 of the report – Severn Trent have no objections – question the sewers.

Cllr Greenow stated that funding is not a matter as confirmed by officers. Applicant has addressed previous reasons for refusal. Move to permit subject to conditions.

Seconded by Cllr Wyatt.

The Planning Officer, addressing demolition on submitted plans, stated that the existing outbuilding is to be demolished. With regards to Severn Trent – and application needs to be made as part of water industry act not via the Council. Severn Trent Water do not raise any objections.

A discussion regarding the demolition of a house on the site continued. The Planning Officer confirmed that only outbuildings are show on the plans.

A vote was taken. 5 Members voted to permit the application. 2 Members voted against. There were 2 abstentions, neither of which were requested to be recorded. Cllr Botterill was unable to vote due to entering the meeting part way through the presentation.

DETERMINATION: Approved as per the recommendation set out in the report, subject to the completion of a s106 agreement for the items listed and the conditions, for the following reasons:

The application addresses the previous reasons for refusal.

There is a housing shortage nationally and the Borough of Melton is no different. Historically the Borough has failed to provide housing but is now in a position to demonstrate a 5 year land supply. This additional housing would be in a location that is considered to be highly sustainable in terms of 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. The NPPF states an objective of boosting housing supply and choice, and accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, type and location and it is considered that this is a material consideration of significant weight in favour of the application.

The application has some adverse impacts in terms of the potential to impact on the setting of the Church. However this is considered to be of very limited importance due to the quality of the views concerned and the fact that views will remain (albeit reduced) and as such these are not considered to outweigh the benefits by some margin. However it also facilitates the protection of an important non designated heritage asset and the setting of the adjacent listed building in an appropriate and positive way, both of which are considered to be significant benefits.

In conclusion it is considered that there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing and protection of heritage assets in particular. The balancing issues –impacts on heritage assets – are considered to be of limited harm in this location.

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- (2) Reference: 16/00920/OUT
Applicant: Brooksby Melton College
Location: Spinney Campus - Brooksby Melton College Brooksby
Proposal: Mixed use redevelopment of the disused education/agricultural complex at the Spinney, Brooksby for residential development (up to 70 dwellings), B1 development (up to 850 sq.m.) and village shop 100 sq.m. (A1) with means of access (outline application).**

(a) The Planning Officer stated that:

As set out earlier the previous submission 15/00246 is currently being held in abeyance by the planning inspector, the reason for this is non determination of the application.

The proposal is an exact resubmission of the previous application for a mixed use redevelopment of the disused education/agricultural complex at the spinney, Brooksby for residential development consisting of up to 70 dwellings, b1

development up to 850 sq. metres and a village shop of 100 sq. metres, the application is an outline application with only access considered at this stage.

The proposal is part of the College's development programme and detailed information has been provided to explain that its proceeds will support the ongoing improvement of the facilities of the college at both its Melton campus and Brooksby, including significant repairs to the Grade II listed Brooksby Hall that lies opposite, as well as funding the affordable housing proposed at King Street Melton.

Following on from comments received in relation to additional traffic and the use of the road to gain access to the A46 additional comments have been sought from the County Highway Authority and I quote their following response
Following advice from the CHA the applicant factored their 2013 traffic counts to 2017 flows using the standard industry TEMPRO database. The CHA considered this to be a suitable base on which to test the impact of the development on the highway network.

The trip distribution in the submitted Transport Statement showed that the majority of the development traffic would use the main highway network and travel toward the larger built up areas of Melton Mowbray and Leicester. It is acknowledged that the roads through the villages are of a lower standard than the A607 and there is some additional development traffic through the surrounding villages as a result of the proposed development however the roads will remain well within their capacities.

The cumulative impact of trips associated with the other activities on the site and the ongoing development at the Brooksby campus have also been taken into account and there is sufficient capacity on the network to accommodate these trips. The CHA did not have any evidence to suggest that the proposed development traffic on the A607 would cause 'severe' harm on the highway network in accordance with Paragraph 32 of the NPPF.

Given the location and nature of the proposed development and the personal injury collision data the CHA would not be in favour of reducing the speed limit as the character of the road will be unchanged. The CHA would also need to gain the support of the Police to enforce any speed limit change in this area. As outlined in the final CHA observations the CHA did not seek to resist the application or request a change in the speed limit based on highway safety grounds.
That ends the CHA comments.

The application should be considered under paragraph 14 of the NPPF and requires that planning permission should be granted unless any adverse impact would significantly and demonstrably outweigh the benefits.

This is a familiar position for the committee, particularly in relation to housing sites. However this proposal is considered to be unique in its offer of benefits but also unusual in respect of the scale and nature of harm.

The benefits can be summarised as follows

- Provision of housing

- Provision of B1 floor space
- Highway improvements
- Provision of affordable housing (off site)
- Improvement to cultural facilities (the theatre)
- Enhancement to cultural heritage in a way that could not be provided through the public purse without permission being granted
- The dedication of land to Mencap

Balanced against these is the location of the site as fundamentally unsustainable due to its distance from facilities and resultant high level of car dependency. Location is not the sole determinate of sustainability, it is considered it is the main factor in the Borough and this location and drives at the heart of sustainable development required by the NPPF.

In conclusion it is considered that, on the balance of the issues, whilst there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply, affordable housing and conservation, the balancing issue which is development of a site in an unsustainable location, is very significant and should attract weight accordingly. Therefore applying the test required by the NPPF the application is recommended for refusal as set out in the report.

In conclusion it is considered that there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing and protection of heritage assets in particular. The balancing issues, which are impact on heritage assets are considered to be of limited harm in this location and the application is therefore recommended for approval subject to conditions as set out within the report.

(b) Cllr Wheeler, on behalf of Hoby with Rotherby Parish Council, was invited to speak and stated that

- The Parish Council is in agreement with the recommendation
- Fundamentally flawed application due to being unsustainable.
- College is trying to meet challenging financial requirements.
- Bus service is not adequate.
- Potential 150 additional cars from 70 proposed dwellings.
- Health and Safety issues for students crossing A607 with increasing traffic.
- The Parish Council are halfway through the neighbourhood development plan. 43 per cent object 27 per cent support.
- Despite recent traffic survey, commuters go straight through the parish
- If development goes ahead, no offer of affordable housing has been made.
- 50 children to 100 houses in current situation. Ratio would be made higher than national average. Primary school only has 1 place at present – at capacity already.
- If this is permitted what is to stop the college from expanding again to meet

- future financial needs.
- Main concerns are traffic issues and affordable housing.

Members had no questions for Cllr Wheeler.

Simon Chadwick, on behalf of the applicant, was invited to speak and stated that

- King Street application has now been permitted. Members previously said that valance would change last time and make this more favourable.
- Permitting this application would enable King Street affordable housing to come forward.
- Improvements to the theatre have been well received by the community.
- Application provides local employment opportunities as part of mixed use scheme.
- Benefits outweigh impacts when both applications are considered alongside each other.

A Councillor asked with regards to affordable housing being located on King Street, why the college has not considered affordable housing on this site as well, and asked that if the application was permitted would the applicant consider affordable housing.

Simon Chadwick responded that the location for affordable housing is more suited to the town location as the town is more accessible. Would possibly consider affordables on the Spinney site although this would impact the viability of scheme and would change dynamic of current funding for the theatre and Brooksby Hall.

The Councillor responded that housing need exists across the whole borough not just in the town. Disappointed this has not already been included, think provision of affordable housing would help move this application forward.

The Chair commented that this is more of an item for debate.

A Councillor commented that the shop has never been a viable option. Agree with the Parish Council, 500 houses would be required to make any shop viable. With regards to selling produce from the farm, when the farm was taken over from the county council the applicant stopped farming the land.

Simon Chadwick responded that a section 106 agreement regarding the shop will be provided whether successful or not, confirming that the shop would be a convenience store.

The Planning Officer responded to the Parish Council comments regarding education that this is measured by the County Council who take into account existing and proposed numbers when considering applications.

Cllr Holmes proposed to refuse the application, seconded by Cllr Baguley.

A Councillor stated agreement with the application being unsustainable and reiterates the point regarding the lack of affordable housing. Transport is an issue. Totally unsustainable application.

A Councillor added as the Chair of the Local Plan that the approach to the location of affordable housing by the applicant is unacceptable. Rural areas need affordable housing as well as the town, there are already numerous affordable sites in the town.

The Head of Regulatory Services expressed concern regarding the understanding of the education issue, stating that the funding will expand to create necessary capacity.

With regards to affordable housing, the Council have been supporting application to migrate affordable housing into Melton Mowbray due to the bulk of the population being in the town.

If this application is unsustainable for affluent people it would not be good for disadvantaged people either.

A Councillor commented that the application site is a brownfield site that needs developing but developers do not understand the local situation and need to rethink their plans.

A Councillor commented that outline permission could represent a nice opportunity for suitable mix. The capacity of the Church is not as relevant as it used to be. Shop viability is not our problem. Disagree that the application is unsustainable, easy access to Melton and Leicester. There are buses and both are a short journey by car. Would have considered supporting this application if previous comments had not been made by the applicant with regards to affordable housing.

A vote was taken. 7 Members voted to refuse the application. 2 Members voted against. There were no abstentions.

DETERMINATION: Refused as per recommendation:

In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location, where there are limited local amenities, facilities and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient benefits arising from the proposal to outweigh the harm arising in this location.

Cllr Posnett returned to the meeting.

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- (3) **Reference:** 17/00442/OUT
Applicant: Jelson Ltd
Location: Field No 0070 Hoby Road Asfordby
Proposal: Outline application for residential development (up to 70 dwellings) and associated infrastructure (all matters except access reserved for subsequent approval) (Re-submission of 16/00570/OUT).

(a) The Planning Officer stated that:

- First we have received an objection stating that this is intrusive development into the countryside and there is archaeology on the site and is close to other natural assets. Other concern relating to highways has also been raised. Finally, mentions that Asfordby has already allocated sites for housing in its' Neighbourhood Plan and has not chosen this site.
- In addition I trust members have received the letter issued by Rob Thorney, land manager of Jelsons. The recommendation remains the same in spite of this summarising that we are not saying Asfordby is a less sustainable location, but the site is less sustainable in itself because of poor connectivity and the measure they took are insufficient.

The following application is a re-submission of the previous scheme submitted on the same site reference 16/00570/OUT that was refused on 1st December 2016. This revised scheme is submitted with more links provided to the site but still remains a development not well connected with Asfordby as a whole and unbalances the settlement therefore impacted on its character. Not enough has been achieved to change the recommendation from the previous proposal.

(b) Tim Evans, agent for the applicant, was invited to speak and stated that

- Previous application for planning permission was refused on this site. Jelson have appealed and a public enquiry is scheduled for August 2017.
- Client met with officers regarding refusal.
- 70 new homes for Asfordby which is highly sustainable and in accordance with local plan.
- Poor connections to village mentioned in report yet another application was recently permitted directly opposite this site.
- Application will not have an adverse impact on the landscape.
- No objections from local residents.
- As detailed in letter from Jelson, officers recommended approval for houses in less sustainable locations such as Waltham on the Wolds and Old Dalby in the face of significant local opposition. This application by contrast is highly sustainable and not controversial to local residents.
- Please reject officer's recommendation to refuse.

Members had no questions for the speaker.

(c) Cllr de Burle is not present at the meeting but has prepared a statement to be presented by the Head of Regulatory Services.

- It appears that this Re application is being pushed through by the developer with undue haste! Without significant change from its predecessor and well in advance of the latest permitted date for it, of the 7th July advised to me by Jim in his email dated 26th (please see below).
- Could this be because of the email from Penny O'Shea dated 15th May about the progress of the ANP advising (I Quote below)
- "To whom it may concern The Examiner, Mr Brian Dodd, is close to completing his examination of the Asfordby Neighbourhood Plan. In the interests of fairness, openness and transparency, Appendix 3 of his report outlines the exchange of information between the Examiner and Melton BC/Asfordby PC which has taken place as part of his examination".
- It is well known to planning officers that the Asfordby NHP is after 6 years in production. Plus 3 periods of full public consultation including one conducted by the Borough early this year, and all at very considerable expense, Satisfies all the requirements of the Strategic housing needs study and the MPPF and as such is completely sound.
- This application by Jelson's is considered by residents throughout the Parish of Asfordby who have already provided for the Parishes full allocation of dwellings within our NHP as totally unacceptable, They appear to be trying to bulldoze through a further 70 dwellings over and above the Parishes required allocation, before the ANP gains full approval and can be put to referendum in the Parish and become law.
- I consider this to be completely unreasonable behaviour and APPEAL to members of the planning committee and officers to reject this proposal at tonight's meeting, as it is clearly an attempt to beat the system, against the reasonable will of the people.

The Planning Officer in response to the agent stated that even though the application received one objection, the neighbourhood plan reflects local interest.

The Head of Regulatory Services stated that comments regarding the constantly changing landscape in December does not necessarily apply now. Suggesting refusal again relates to the minimal efforts to connect the site to the village have been made. Footpaths are not in the application site. Site is detached and separated from the core of the village.

Regarding broader issues – Asfordby is sustainable – not proposing to refuse the application on sustainability issues but due to the site's location and it's connectivity to rest of village.

Cllr Wyatt proposed to refuse the application, which was seconded by Cllr Botterill. A vote was taken. Members voted unanimously to refuse the application.

DETERMINATION: Refused as per recommendation:

The application site is in a location with poor connectivity and which is poorly related to the built form of Asfordby. Development of the site would have an adverse impact upon the character and appearance of the countryside which contributes the setting of the village and is contrary to both the Pre Submission Melton Local Plan and Asfordby Neighbourhood Plan (Submission version, August 2016). The Proposal is therefore contrary to the NPPF, particularly paragraphs 50, 56 58, 61 64 and 216. The proposal's identified harm in this regard would significantly and demonstrably outweigh the benefits of delivery of housing, including affordable housing, when assessed against the policies in this Framework taken as a whole.

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- (4) Reference: 17/00154/REM**
Applicant: Mr Philip Norwell
Location: The Ferns 12 Main Street Twyford
Proposal: Approval of appearance, scale, layout and landscaping for Plot 3 only

(a) The Planning Officer stated that:

This application seeks Reserved Matters consent for Plot 3 only, outline consent was granted at appeal under reference 13/00691, a previous reserved matters application has also been granted under reference 16/00156.

This application seeks to amend application 16/00156, the proposal will remain a single dwelling with a ground and first floor now comprising of 5 bedrooms. The proposed scheme continues to utilise the approved point of access and private driveway from the paddocks off Lowesby Lane.

The proposal does have a larger footprint than that of the existing, however in the context of the site and distances available to nearby dwellings the size of the dwelling is not considered to have any significant impact on neighbouring dwellings or appear overdeveloped in the context.

The proposed dwelling is to be set down into the site and will therefore be no higher than the previously approved dwelling. The application site will retain the majority of the existing hedgerow and tree planting to the southern, eastern and western boundaries, with further planning to be provided in accordance with the previously approved landscaping scheme and demonstrated on amended plans.

There is one update to the report, condition 5 states that prior to the first occupation of any dwelling, a turning space shall be provided at the end of the private drive, as

pointed out this land is beyond the applicants ownership and therefore is considered unreasonable.

To conclude the application site lies within an area that has been granted previous outline and reserved matter consent, the proposal whilst slightly larger than previously approved is not considered to give rise to significant overlooking or loss of light and is therefore recommenced for approval subject to conditions as set out in the report with the exception of condition 5 which should be deleted.

(b) Christopher Trent, objector, was invited to speak and stated that

- Big houses – 5 bed house – since original planning permission height has increased by 1m.
- 2 concerns for this area for people facing this house – more obtrusive.
- In context of Twyford area these houses are very large.
- Twyford has one of worst affordability ratings in the area.

A Councillor questioned the separation distances from nearby houses.

The speaker responded that he believes there is a 6m gap between this house and the adjoining one. Does not have draft plans to refer to.

The Chair asked for clarification from the planning officers on separation distances.

The Planning Officer confirmed that the measurements demonstrated on the plan are 35m from building to building, with another dwelling at 30m.

The Head of Regulatory Services confirmed that the minimum required distance is 21m.

Phillip Norwell, applicant, was invited to speak and stated that

- I am seeking to build a home for my family which reflects and respects local area.
- Want to contribute to the area and become part of the local community.
- Hope new home will contribute to appearance of village.
- Family need has increased from 4 bedrooms to 5 due to wife's parents needing a spare room to visit as they live over 100 miles away.
- The new scheme delivers a stronger design which is more closely linked to that of the village. The proposed dwelling has been set down – new building is lower than previously approved dwelling. Has been repositioned further away from boundary.
- Revised scheme on plot 2 was approved last week which was designed by the same architect. Proposals sit comfortably alongside each other.

Members had no questions.

(c) Ward Councillor:

The Head of Regulatory Services read out a statement from Cllr Higgins

- The application history of the site shows that it was a Government inspector that passed the application on appeal and not this council. Although before it was before I became a Member I feel the inspector errored when they did not agree to the Council's request for smaller housing.
- It is clear Twyford indeed needs smaller housing, which the community have suggested in their representations. Yet this site will not be a vehicle of delivery due to a previous decision by the Inspector.
- Therefore the Government Inspector has caused this issue and not the Local Planning Authority nor, to be fair, the applicant before you.
- Objectors have put forward their views on the original application and to be fair the applicant has listened and made some changes. The objectors would like privacy issues to be raised in addition to the argument for smaller housing which promote families.
- The applicant has also been in touch with me to explain the family reasons for altering the application to suit their needs and their three children.
- I understand from those conversations the applicant wants to be a firm part of the community to that his family and children will am active role in it. He therefore has made alterations as he wants to live alongside the community and neighbours.
- The Somerby Ward, and indeed Twyford, need families to continue the lifeblood of the village and should be welcomed. Twyford indeed is a very welcoming community. The applicant has advised he wants his family to a part of the community which naturally we all applaud.
- Should any screening conditions be required or requested then please feel free to explore this through debate.
- I would like to thank all parties in taking the positive tone in shaping this application. There have been some concession in that process. However it is difficult to request a smaller housing condition due to Inspectors decision, which is why this Committee have made such a condition on another application in the village to meet the small housing need.
- Finally my community want the council to hear their views and ensure the right housing is developed in the future as documented in the housing needs study 2016.

The Planning Officer commented in relation to the speakers comment in relation to the size of the house and bedrooms – referring to page 5 of report – outline permission did not impose conditions – consideration is therefore limited to design, layout etc. Condition 4 relates to landscaping and screening, also condition 9 asks for existing trees to be fenced off to avoid damage.

A Councillor questioned the removal of condition 5 and whether cars and service vehicles would have adequate space to turn around.

The Planning Officer confirmed that the site does have adequate space for turning and parking.

Cllr Greenow proposed to permit the application. Seconded by Cllr Botterill. A Councillor questioned whether the apple trees on the site would be removed. The applicant responded that one of the three trees would be retained, the other two would be removed due to poor condition.

A vote was taken. 9 Members voted to approve the application. Cllr Holmes abstained from the vote due to not having visited the site personally.

DETERMINATION: PERMITTED, in accordance with the recommendation with the exception of condition 5 which is deleted, for the following reasons;

The application site lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1, BE1 and H6. The proposed development has been designed to have a limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area; and complies with highway requirements.

It is acknowledged that the proposal does not meet the requirements of the Borough's housing needs, however there is an identified need of the applicant with the larger dwelling not having any significant implication in terms of overlooking, overshadowing, loss of light or privacy predominantly due to the proposed dwelling being set down within the land, to ensure that its overall height is slightly lower than that of the previously approved dwelling and the proposal providing a distance of over 30 metres between the nearest window of the proposed dwelling and existing dwellings sited on The Paddocks.

(5) **Reference: 17/00285/FUL**
 Applicant: Ms Victoria East
 Location: Plot 1a The Lane Barsby
 Proposal: Proposed dwelling

Cllr Greenow left the room

(a) The Regulatory Services Manager stated that

The application provides full details of a timber cabin style, single storey dwelling. It would be situated between two new dwellings which were approved in 2016. Works has not yet commenced on those dwellings.

It is proposed that the dwelling would be occupied by a relative of the farmer who owns and farms the land which includes this site. Note that it is not being proposed as an agricultural dwelling. Barsby is a small, unsustainable settlement, unsuited for new residential development. Recommend that permission should be refused.

Standing orders were suspended to allow both the agent and applicant to speak. Members voted unanimously in favour. Chair confirmed other speaker could therefore also have six minutes to speak.

(b) Jenny Hurst, supporter, was invited to speak and stated that:

- Representing Gaddesby Parish Council.
- Victoria East, the applicant, wishes to own a low cost home in the village to live near her family and various work arrangements.
- Applicant has lived in Barsby her whole life.
- Proposed house will be situated between two houses that have recently also been approved.
- The land is a disused area between a track and farm buildings.
- Affordable to the applicant due to its construction.
- Central part of the village appearance will not be affected by this proposal.
- Attractive design to blend in with rural setting.
- Application has come not a developer but from a local young person.

A Councillor asked with regards to the other two plots that have already been approved, why building work hasn't yet started. The speaker responded that the previous applicants are in the process of commencing building work, and that planning permission took a long time to achieve.

Members had no other questions.

Steve Platt, agent on behalf of the applicant, was invited to speak and stated that

- Level of support from residents and Parish Council demonstrates positive feeling from local area.
- Same support shown in 2016 applications on same site which were approved by the planning committee.

- Planning Officer states dwelling will be isolated however this is misleading due to other two plots currently being built on.
- Site is only visible from the farm and not from the street.
- Agricultural opinion was not requested therefore why is this relevant now.
- Good bus links, broadband updated, supermarkets have delivery options, there is no immediate need for a car in this location.
- The application fulfils the criteria for low cost housing and will allow the applicant to remain in village.

A Councillor questioned the two previous applications and if there had been problems with planning, would this application be different from those. The speaker responded that he was not directly involved in the other two applications so was unable to comment. Both other plans were from family members, plans are in place to make a start but applicant is not in control of this, no knowledge of when this is likely to happen although aware that neither plan has been shelved.

A Councillor asked how much of the working week does the applicant spend on farm and whether the proposed dwelling should be tied to the farm. The speaker responded that the applicant is not totally employed by the farm but helps out, proposing approval not just on the employment aspect.

A Councillor questioned why the applicant would not accept a tie to the farm. The speaker responded that the other two applicants for this site did not have a tie to the farm and also have not applied for an agricultural dwelling, question whether it can be justified.

Victoria East, applicant, was invited to speak and stated that

- The site is located between two plots approved for outline planning permission in 2016.
- Proposed site is at the edge of village.
- Looking for ways to minimise impact on the local area by coordinating work wherever possible, for instance groundworks and foundations could be done at same time.
- My proposed design is smaller than the other two applications, but is also timber framed, arch clad and large windows in keeping with other two.
- The house is affordable. As a lifetime resident the local area is outside of my financial means as there are very few small houses left in the village. No affordable houses have been built here since World War II, terraced houses on one site in the area are now valued at over £200,000.
- Shares same transport links as Gaddesby, Gaddesby itself has had a lot more applications permitted in recent times.

The Regulatory Services Manager stated that during comments from supporter and applicant, supporter said need for this dwelling to be on site in terms of agriculture,

however if this is the case this needs to be looked into. If not for agriculture, question why site is proposed in this location in this village.

Cllr Baguley proposed to permit the application due to the applicant being from the area and would allow her to remain close to her family.

Cllr Posnett seconded the proposal to permit adding that affordable dwellings are needed and villages and the need to keep communities together – refusing this application would be the opposite of this.

A further discussion ensued with regards to the need for an agricultural tie however ultimately it was concluded that this would be unnecessary.

A vote was taken. Members voted to permit the application without an occupancy condition. 5 Members voted in favour. 1 voted against. There were 3 abstentions. Cllr Greenow returned to the meeting.

DETERMINATION: APPROVED subject to standard conditions.

It was considered that Barsby was close to other settlements which provided a range of facilities. The benefits of providing an affordable market dwelling outweighed any harm.

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- (6) **Reference: 17/00267/FUL**
- Applicant: Mr And Mrs I Woodhall**
- Location: 2 Windsor Road Waltham on the Wolds**
- Proposal: Proposed new dwelling on land to the rear of 2 Windsor Road; alterations to existing house to form new access driveway (Resubmission of withdrawn application reference: 16/00351/FUL)**

(a) The Planning Officer stated that:

There are updates to the report, firstly the plan used on the front page of the report incorrectly hatches a parcel of land to the side of the development, and this part of the proposal has been removed as part of the proposal and is an error.

There has also been one further objection received in relation to the application, this objection raised matters concerning village envelopes, removal of trees, loss of privacy, out of keeping and their relevant sections contained within the NPPF, these matters have been discussed and considered within the relevant sections of the report.

This application is the resubmission of the previously withdrawn application 16/00351/FUL, the application was withdrawn due to concerns raised in relation to

the effect of a new garage to No 2 Windsor Road and development on public land, the mass of the original dwelling, the architectural elevation treatment was not considered to be in keeping with the street scene and the proximity of the new dwelling to the existing site boundary was also of concern.

Since the previous application the dwelling has been reduced in size and scale to better reflect those of the area. Whilst the reduction is welcomed the dwelling remains larger in form in comparison to those that already exist close to the site.

The separation distances proposed within the application shows a distance of 22 metres from the existing dwelling to the proposed dwelling, window to window, this is considered acceptable and above the standard requirements.

The proposal is situated within a village that offers a larger range of facilities and services than most of the borough and therefore is considered to be a settlement suitable for residential development. The proposal has been designed so as not to cause significant overlooking or loss of light to nearby dwellings and has been sufficiently reduced in size and scale not to appear cramped in form when compared to the previous submission.

Balanced against this, the proposal does form a tandem development sat behind an existing dwelling and the land currently utilised as garden land with no presumption in favour of development.

It is considered that on the balance of the issues there are limited benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply.

The balancing issues being the limited impact on character of the area are considered to be outweighed by the benefits of the proposal, namely the provision of housing in a sustainable location and of a size that would benefits the needs of the Borough.

The application is therefore recommended for approval subject to conditions as set out within the report.

Cllr Lusty, on behalf of the Parish Council, was invited to speak and stated that

- Confused about this application and development of residential gardens. Clause 53 refers to inappropriate development in gardens.
- Proposal not in keeping with the area.
- Believe permitting the application would set a dangerous precedent for similar proposals of new houses in gardens, density and character of the area would change, therefore request you reject application.

Members had no questions.

Christine Carter, objector, was invited to speak and stated that

- Wish to challenge the planning officer's recommendation.
- Negative impact on the area would be significant.
- Dwelling would be cramped on this plot.
- 15% larger than previous application.
- Window to window of 22m separation distance from no.2 to proposed site, is actually less than 18m from no.1 and less than 16m from their conservatory. Cramped back garden development.
- Residential amenities affected in terms of overlooking, noise and disturbance issues
- Screening is incorrectly demonstrated on drawing, existing screening would be removed
- Position of driveway would cause noise and disturbance, vehicles pass within 2m of no.1's windows.
- The applicant has 3 vehicles presently, one of which is a motor home. Proposed drawing shows only two parking spaces.
- Housing needs survey quoted identifies need for 2/3 bed houses – this dwelling cannot be seen as small 2/3 bedroom house.
- Request that the committee refuse the application.

Members had no questions.

Nick Cooper, agent on behalf of the applicant, was invited to speak and stated that

- New house for own needs and base for relatives to visit.
- Current house is modest.
- 45yr old estate, many houses have been adapted to incorporate occupants.
- Unique site. Existing driveway and open lawn will be visually unaltered. Proposed house sits alongside no. 3.
- No.1 is positioned a good distance away from proposed site. Screens will be added to it and strengthened.
- Clients have been resident for a number of years. This would provide an additional affordable family home. Applicants garden is no longer adequately maintained due to recent back surgery.
- Will assist with requirements for new housing.

A Councillor asked whether the applicant was happy with access and parking. The speaker confirmed that the applicant has a double garage, house, double driveway, proposal will make it a single driveway, and there will be remaining space in terms of access. Driveway is long and ample enough to accommodate cars off the road.

Members had no further questions for the speaker.

A Councillor enquired that backland developments used to be refused completely, asked what has changed.

The Head of Regulatory Services stated that policy has changed and that policy H18 no longer has the weight that it did. There have been many upheavals to the planning system in response to the housing crisis.

Cllr Holmes stated that the original houses in this area were designed as 4 bed houses with paddocks. There have been extensions but no new houses. Would potentially have a house in every garden if this is approved. Over intrusive development because the trees used for screening are actually bushes. Very close to no.1 and no.3. , cannot see where parking would be. Not a suitable area for development. **Propose to refuse.**

Cllr Botterill seconded the proposal to refuse. Totally out of character with area. All have paddocks. Area does not need to be tied houses. Nice area currently, if other people follow suit area will be affected negatively.

A councillor questioned the validity of the reason of supporting growing needs of family. Existing house is 4 bed, new house is 3 bed. Overpowering house. Paragraph 53 of NPPF. Inappropriate for village of this style, and question reason for development.

Proposal to refuse on basis of over-intensification and out of character with the area.

A vote was taken. 6 Members voted to refuse the application. 4 voted against the refusal. Cllr Cumbers asked for her vote to be recorded.

DETERMINATION: REFUSED, for the following reasons:

The proposed dwelling, by reason of size, design, layout, massing and scale, would result in a cramped form of development, and would not be sympathetic to the character and appearance of the site. The proposal represents the over-development of the site, to the detriment of the character of the area. The proposal is considered contrary to Section 7 of the NPPF 'Requiring Good Design' and Policies OS1 and BE1 of the Melton Local Plan 1999, which seeks to ensure development is sympathetic to the site and surroundings. It is considered that the harm arising from the development significantly and demonstrably outweigh the benefits.

PL5. URGENT BUSINESS

A Councillor requested clarification from officers regarding

- 1) Car wash at Enterprise site on Nottingham Road

- 2) Properties being refurbished on Nottingham/Asfordby Road and if they are within planning laws

The Head of Regulatory Services confirmed that the Enterprise site on Nottingham Road is legitimate, presence of vehicles there is acceptable, and no structures have yet been built but would need permission prior to anything being built. Unsure at this point if it will become before a future Committee.

The meeting commenced at 6.00 pm and closed at 8.26 pm