



DEVELOPMENT COMMITTEE

12 AUGUST 2010

PRESENT:-

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

Head of Regulatory Services
Principal Solicitor, Principal Planning Officer (JW)
Democracy Officer (EG)

D16. APOLOGIES FOR ABSENCE

There were no apologies for absence.

Councillor Barnes gave an apology for late arrival to the meeting.

D17. MINUTES

The Minutes of the meeting held on 22 July 2010 were confirmed and authorised to be signed by the Chairman.

D18. DECLARATIONS OF INTEREST

There were no declarations of interest.

D19. SCHEDULE OF APPLICATIONS

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

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- (1) Application : 09/00551/OUT**
Applicant : Mr C Bailey
Location : Hathaway Cottage, 39 West End, Long Clawson, LE14 4PE
Proposal : Demolition of existing dwelling and construction of replacement with 4 dwellings.

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

- (i) the application sought outline planning permission for the demolition of an existing two storey cottage and the erection of five dwellings. The site was located within the village envelope for Long Clawson but outside the designated Conservation Area. The application was in outline with approval sought for access and layout;
- (ii) since publication of the report Councillor Rhodes had made representation to Members through an email which all Members had received in person;
- (iii) this application had caused a large number of objections which were fully addressed within the report. There was considerable concern with regards to flooding issues, particularly with regards to Claxton Rise, the access to the site and the impact of the proposal on the street scene and that part of Long Clawson;
- (iv) the application was supported in general terms with regards to the principle of the development. It was also in a sustainable location and the proposed units would meet housing need. There was no evidence to support objections with regards to flooding and the Environment Agency was satisfied that the proposal could be accommodated. The Highway Authority was also satisfied with regard to the proposed parking and access arrangements. The layout proposed with careful design would ensure that there was no loss to the residential amenities of adjoining properties;
- (v) there had been significant changes in policy since the application was submitted with the introduction of PPS5 and revisions to PPS3. The site was no longer considered Brownfield and there were no density requirements for the development. PPS5 referred to properties such as this as a non-designated heritage asset and as it formed part of a group of similar status properties was a material consideration. The layout and density of the development was not considered to be in keeping with the form and character of that part of the village and coupled with the loss of a heritage asset was considered sufficient grounds for refusal;
- (vi) accordingly the proposal was recommended for refusal as set out in the report.

(b) Mr G. Prentice was invited to speak on the application and stated that:-

- He was speaking on behalf of the local residents
- There was significant local opposition to the application
- The proposal was not in keeping with the area
- 22 letters of objection and 108 signature petition had been received
- The flood risk was very real
- There had been at least 8 serious floods in the past in the area
- The area could not cope with heavy rain
- The Pick Everard report showed the culverts were not fit for purpose
- No new surface water would be allowed to drain away
- Directly across the road was a Grade II listed building and the proposal would detract the area
- The designated bin collection area was too small which would result in the footpath being cluttered
- The access drive was very close to the main junction
- The access would be more dangerous when HGV vehicles collected from the dairy complex

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

- There were 2 planning changes since the original application under PPS5 and PPS3
- The proposal would not affect the grouping or inter-relation between the buildings
- The proposal would not cause over development of the site and affect neighbouring properties
- PPS3 encouraged development which would meet local demand

The Principal Planning Officer (JW) stated that:-

- (i) the Environment Agency had stated in their report that there was no evidence to suggest that the proposal would lead to flooding and it was not considered that there were reasonable grounds to recommend refusal with regard to flooding;
- (ii) each property had a bin storage area within it and the area referred to by Mr Prentice was for collection only;
- (iii) vehicle travel to the dairy would not travel by the main access once improvements to Hickling Lane were completed.

Councillor Chandler enquired about the impact of the dairy traffic. The Head of Regulatory Services stated that Brinvale had a routing requirement which prevented them from going past the site. The dairy would make a switch very shortly resulting in the West End entrance being shut.

Councillor Baguley expressed concern about the junction and the additional traffic the proposal would create and therefore moved to refuse the recommendation on the grounds stated within the report. Councillor Holmes was a seconder for this proposal.

On being put to the vote, the motion to refuse was carried with 7 in favour and 2 against.

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

1. **in the opinion of the Local Planning Authority the proposal would, if approved, result in a development not in keeping with the form, character and appearance of the area. The dwellings would occupy the site predominantly to the south and south east which would not reflect the character and density of the surrounding area and would also result in the demolition of a heritage asset, as identified in PPS5, which would have an adverse impact upon the visual amenity of the surrounding area. The proposal was therefore considered to be contrary to policies OS1 and BE1 of the adopted Melton Local Plan which sought to ensure development was in keeping with the character of the locality and that development is designed to harmonise with surroundings.**
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- (2) Application : 10/00322/FUL
Applicant : Mr M Lovett
Location : Land Adjacent To Moat Farm, Middle Lane, Nether Broughton, LE14 3HD
Proposal : New two storey dwelling and change of use of part of lot from a farm yard to a domestic garden for new dwelling.**

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

- (i) the application sought planning permission for the erection of a new dwelling on a site within the village envelope for Nether Broughton. This application was deferred from the previous Committee to allow for a committee site visit;
- (ii) the site was within the village envelope where there was a presumption in favour of development under policies OS1 and BE1. The development was not considered to impact on any adjoining properties and had been designed to reflect the character and appearance of the surrounding area;
- (iii) the dwelling proposed was for a large detached dwelling which could provide 4 bedrooms and therefore was not considered to support the borough's housing need. The proposed access to the dwelling was also considered sub-standard on to Middle Lane as it lacked appropriate visibility splays.

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

- She supported young people who wished to live in the location where there work was
- It ticked all the boxes for design and location
- A lot of support had been received for the proposal, particularly from neighbours

- In relation to road safety implications she considered that the site visit had demonstrated that the majority of traffic turned down Chapel Lane

Councillor Holmes moved to permit the application on grounds of Moat Farm being an established business with a very valuable dairy enterprise which required the family members to live on site.

Councillor Chandler seconded this proposal provided the highways objection could be overcome and suggested the removal of a portion of the existing wall. The Head of Regulatory Services (JW) stated that they were unable to take steps to correct the highway problems as this required land which was not under the ownership of the applicant.

Councillors Moncrieff and Illingworth stated that the proposal did not meet housing needs as the application was not attached to agricultural use and was a stand alone development which was not linked in any way to the farm.

Councillors Chandler and Botterill suggested that the applicants may wish to submit a further application to include an agricultural tie.

On being put to the vote, the motion to permit was refused with 4 in favour and 6 against.

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

- 1. In the opinion of the Local Planning Authority the proposed development would, if approved, result in the intensification in use of a substandard access on to Middle Lane. This access lacks adequate visibility splays and therefore vehicles turning out of the access could create additional dangers for highway users to the detriment of highway safety. The proposal was therefore considered to be contrary to OS1 and BE1 of the adopted Melton Local Plan;**
- 2. In the opinion of the local planning authority the proposed type of house did not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area. The Housing Stock Analysis conducted in 2006 clearly demonstrates that there was a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural west of the Borough. Accordingly the proposal failed to contribute to a sustainable and balanced housing market and was therefore considered to be contrary to PPS3 and the Melton LDF Core Strategy (Preferred Options). The large executive detached home proposed in this application cannot be supported as it would exacerbate the current imbalance of larger housing stock in the local housing market contrary to the aims of PPS3.**

(Councillor Barnes here entered the meeting.)

- (3) Application : 10/00460/COU**
Applicant : Mr J Tearne
Location : Field 5629, Private Road from A606 Nottingham Road to Holwell Lane, Melton Mowbray
Proposal : Change of use for storage of logs and creation of bund and track

(a) The Head of Regulatory Services (JW) stated that:-

(i) there were some issues to update:-

- Highways had advised that following a site meeting with the applicant, they were persuaded that the issues associated with loose material entering the road could be handled by conditions, and withdrew these from their concerns
- Their concerns regarding the junction of the lane with Nottingham Road were not alleviated. They noted the applicant's willingness to address this junction, but it did not form part of the application nor could it be controlled by a condition thus could not be guaranteed
- Accordingly they amended their recommendation to relate to the Nottingham Road junction only

(ii) 2 letters had been received from the applicant, also referring to the site meeting which:-

- Commented on the improvements made to the access and ability to introduce a hard surface top to prevent material being dragged onto the road
- Also advised that traffic was minimal (2 vehicles per day) and that livestock could be excluded from the site to ensure this level remained
- Explained that he had an agreement with the land owner at the Nottingham Road junction to cut back the hedge and improve sight lines
- Explained that the business was a form of forestry and rural in nature
- Restated that there were no objections and it had the support of the Parish Council

(iii) Key issues remained the location of the site and road safety:-

- Policy at all levels sought to keep businesses in urban locations or planned exceptions (barn conversions etc) unless there was a specific need in a given location. In this case there was no justification for the location and it could not be supported within policy
- It seemed that there could be a prospect of resolving the highways issue but not simply by a condition or other normal means. It really needed to be built into the application and secured that way, and that would mean withdrawing and resubmitting the application. However this did not overcome the main issue of the site location, and therefore we recommend proceeding to determination in accordance with the recommendation.

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

- She had a personal interest in this application as the applicant had done some work for her
- The road was not private
- The application had received a number of representations which included near neighbours
- It ticked all the boxes of the policies PPS1, PPS4 and PPS7
- The business employed 4 people based in the Borough
- The site would be used in conjunction with a business but was not a base therefore traffic would be reduced
- The entrance was built with the blessing of the highways department
- Concern relating to the increase in traffic did highlight practical obstacles which met with Highways approval
- There would be a decrease in movement of traffic

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

- He was a tree surgeon and forestry worker
- In December 2008 the site was a fly tip and a shambles
- He had secured the field with new fencing
- 2 caravans and the fly tip debris had been removed
- He had sown meadow grass and trees in the area
- The storage was not visible
- The storage enabled him to renew his carbon footprint
- Leicestershire County Council had praised his willingness to improve the habitat and did not mention the bund
- Vehicle movements had been removed
- The site was clear of the junction with Nottingham Road
- If the application was refused it would be devastating to his business

The Head of Regulatory Services (JW) stated that he disagreed with the view that the application complied with planning policies as it did not deliver sustainable development as it was located in an isolated location and not a good location for storage. He also stated that it was contrary to the development plan and as the site had already been tidied up so granting the application would make no difference.

Councillor Holmes moved to permit the application on the grounds that the site was clean, tidy and neat. Councillor Barnes was a seconder for this application.

Councillor Chandler stated that she considered the proposal was sustainable as the wood was mainly used by wood burning stoves.

On being put to the vote, the motion to permit was carried with 10 in favour and 1 against.

DETERMINATION:

A. Permit for the following reason(s):-

1. Summary of the reasons for granting permission:

The development would be contrary to Policy OS2 but the Council consider that an exception was justified on the basis of:

- the improvement to the appearance of the site secured by the development
- the introduction of measures to improve bio-diversity
- the maintenance of employment in a valuable rural industry and;
- alleviation of dangers to the public that the development has secured

B. Conditions delegated to the Head of Regulatory Services but to include a 'personal condition' limiting the use to the current owner.

**(4) Application : 10/00500/EXT
Applicant : Mr and Mrs M Cooper
Location : Cedar Lodge, 27 Main Street, Grimston
Proposal : Time limit for implementation relating to previously approved Planning Permission 07/00398/FUL erection of 1 dwelling - Land adjacent to 27 Main Street, Grimston**

(a) The Principal Planning Officer stated that:-

(i) This application related to a request for extension of time for a previously approved dwelling. The application had now lapsed and it was considered that since approval there had been significant changes in policy since the approval with regard to housing need and sustainability and therefore the application was recommended for refusal.

Councillor Holmes moved to refuse the application. Councillor Moncrieff was a seconder for this proposal.

On being put to the vote, the motion to refuse was carried with 10 in favour.

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

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the introduction of a dwelling on a site in an unsustainable location. It was not considered that sufficient justification had been submitted to suggest that the proposed dwelling would fulfil an identified housing need and the proposal would add to the development in an unsustainable village location. The proposal was therefore considered to be contrary to Planning Policy Statement 1 (Delivering Sustainable Communities), Planning Policy Guidance 3 (Housing), Planning Policy Statement 7 (Sustainable Development in Rural Areas) and the Melton Local Development Framework Core Strategy. These statements of policy post date the adopted Local Plan and were considered to be of sufficient weight to depart from policy OS1 and BE1;

- 2. In the opinion of the local planning authority the proposed type of house does not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area. The Housing Stock Analysis conducted in 2006 clearly demonstrates that there was a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural west of the Borough. Accordingly the proposal failed to contribute to a sustainable and balanced housing market and was therefore considered to be contrary to PPS3 and the Melton LDF Core Strategy (Preferred Options). The large detached home proposed in this application cannot be supported as it would exacerbate the current imbalance of larger housing stock in the local housing market contrary to the aims of PPS3.**

Consideration of the remaining applications was adjourned due to the timetabling of the agenda. The Chairman asked the Committee if they would like to consider the final item on the agenda at this point. All were in agreement.

D20. DISCHARGE OF CONDITIONS, HOSE LANE FARM, HOSE LANE, HARBY

The Head of Regulatory Services submitted a report (copies of which had previously been circulated to Members) which assisted with the resolution of suitable landscaping scheme and colour of the roof cover as requested by condition on a proposal approved by the Development Committee subject to conditions.

The Principal Planning Officer distributed samples of the roof cover in both blue slate and green for the Committee to consider.

On being put to the vote a green roof was agreed with 6 in favour and 5 against.

A discussion took place in relation to the landscaping and Members considered that some additional mature trees should be incorporated within the planting areas. It was suggested that the decision should be delegated to the two Ward Councillors and the Principal Planning Officer.

It was agreed that to build an earth bund would be inappropriate in this location.

On being put to the vote, the motion to delegate the landscaping scheme was carried unanimously.

RESOLVED that:-

- 1. The green roofing sample was accepted as discharge of condition 2;**
- 2. The decision relating to the landscaping scheme be delegated to the two Ward Councillors and the Principal Planning Officer (JW).**

The Chairman adjourned the meeting at 7:15 p.m.

The meeting re-convened to consider the remaining applications at 7:45 p.m. in accordance with the timetable.

(6) Application : 10/00398/FUL
Applicant : Mr S. Stubbs
Location : OS Field Number 9418, Main Street, Goadby Marwood
Proposal : Erection of polytunnel and building new shed

(a) The Head of Regulatory Services stated that:-

- (i) this was a relatively small scale application on agricultural land for a poly tunnel and agricultural building;
- (ii) since writing the report 2 further letters of objection had been received on the following grounds:-
 - Goadby Marwood was a village where no new development was meant to take place
 - There had been 3 accidents along this length of road and vehicles reversing on to it would add a further hazard
 - The site would become a mess if livestock were present, and vermin would be attracted
 - The development would make the countryside look a mess
- (iii) the planning considerations for this proposal were considered to be visual impact (of the buildings) and traffic issues. Critical to this was the fact that the agricultural use was already present and we could not prove that it would be increased by the development and there were arguments that it could possibly be reduced;
- (iv) in terms of visual impact, the buildings were set back from the road and there were intervening hedgerows and trees. These helped to moderate its impact and limit the appearance to one conventional for the landscape in our area;
- (v) regarding the objections, the comments largely reflected those already made. However, the question of policy had been raised and as noted in the report, it was incorrect to suggest no development was permitted in the area.

(b) Mr S. Stubbs was invited to speak on the application and stated that:-

- He was owner of Field Number 9418
- He raised poultry, water fowl and rabbits for the meat trade
- The shed would be built for housing good quality material
- The shed height was low at 3.5 metres the same height at the hedges
- There was no external lighting
- It was used for agricultural use only

- The animals were well cared for
- He employed one part time worker
- He was part of a young, hardworking family which would like to be considered as part of the community

(c) Councillor R. Marks (representing Waltham Parish Council) was invited to speak on the application and stated that:-

- The Parish Council objected to the proposal
- The style was an intrusion of the countryside
- The area was an eyesore and he did not want it to be made worse
- Landscaping takes time and the development could be seen from the Waltham to Goadby Road.
- Any change to the highway would mean the entrance was not conducive
- He would like to see a wider entrance
- The Parish Council would like the Committee to refuse the application
- It must be well screened
- We must look at conditions to make sure that all eventualities were covered

The Head of Regulatory Services stated that the rationale for the Highways Authority offering no objection, was detailed within the Committee report.

Councillor Holmes, as Ward Councillor, stated that:-

- The highest point of the site was 523 feet above sea level with prominent paddocks used for grazing land
- She considered the area should be conserved
- Highways were investigating speeding along the road following 7 accidents last winter
- The building was large and not in the appropriate place on top of the hill
- Different species of animal should not be allowed to be housed together
- Animal feed would be very expensive
- In the winter the landscape would change and you would be able to see through the trees
- Drainage and lighting would need to be considered
- The poly tunnel was not in keeping with the landscape

Councillor Holmes moved to refuse the proposal on the grounds that it was visually intrusive, holding a prominent position in the landscape. Councillor Baguley was a seconder for this proposal on condition that the visual impact was a strong enough reason for refusal.

The Head of Regulatory Services stated that visual impact was a consideration in these circumstances and the Committee needed to make a key judgement. He further stated that access, animal welfare and husbandry did not form part of the consideration of this application.

Councillor Moncrieff stated that he considered the proposal was not a blot on the landscape, was well away from the road and screened by an established hedge. He considered the application to be well thought out.

Councillor Botterill supported this view and stated that his only concern was with the entrance which looked too urban for the countryside.

Councillor Cumbers stated that she had not attended the site visit however she had seen the poly tunnel from the road and felt that it was very intrusive.

On being put to the vote, the motion to refuse was lost with 3 in favour and 6 against.

A motion to permit was moved by Councillor Botterill and seconded by Councillor Barnes.

On being put to the vote, the motion to permit was carried with 6 in favour and 3 against.

(Councillors Baguley, Cumbers and Holmes requested that their vote against the decision be recorded.)

(Councillor Baguley here left the meeting.)

DETERMINATION: Permit subject to the conditions within the report and the following reason(s):

- 1. The proposal lay within the open countryside, set back behind boundary hedging, 160 metres south of the highway of Waltham on the Wolds and 70 metres north of Goadby Road Highway. Although the lie of the land falls slightly to the east, its location, proposed materials together with an approved planting scheme would harmonise with that of the surrounding countryside. It would not therefore be considered to have a detrimental impact on the open country side and its sitting was of a sufficient distance as not to have an adverse impact upon residential amenities of any dwelling through unacceptable noise, smell dust or other form of pollution. Hence the above, together with the existing satisfactory access and the proposed usage of the development, the proposed development therefore accords with policies OS2, BE1 and C3.**

(Councillor Moncrieff left and re-entered during consideration of the preceding item.) *The Principal Solicitor advised Councillor Moncrieff that as he had left the meeting this barred him from taking any part in the vote.*

- (7) Application : 10/00190/EXT**
Applicant : W G Herbert Holdings Limited
Location : Land West of Bowling Green, Leicester Road, Melton Mowbray
Proposal : Development to provide buildings for B1 use within a business park setting.

(a) The Head of Regulatory Services stated that:-

- (i) he had no updates to report on this application but briefly drew out the main issues;
- (ii) the application was granted as an exception to policy and the current application sought to extend its life. This formed the opportunity to consider if there had been changes that made the development no longer desirable;
- (iii) there had been several changes to policy since 2007 and most notably PPS4 had been introduced, which made different requirements of such developments;
- (iv) the applicants had demonstrated compliance with PPS4 and none of the other changes in circumstances detracted from the application;
- (v) critically, the existing permission still had some time to run and it was considered it could still be acted upon. The effect of this was, in practical terms, refusal of planning permission would not in any event prevent the development from commencing.

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

- the officers report gave a fair and accurate summary
- the original permission of the scheme was granted in October 2007 at the start of the recession
- With regard to commercial development, the general effects of the recession had been severe
- The Government had recognised the difficulties caused by the recession
- A simplified mechanism had been brought in to make it easier to keep planning permission alive for when economic conditions improved
- There had been no changes to warrant refusal of the existing permission

Councillor Chandler stated that in 2007 she was an opponent of permission being granted as she considered the land should stay as recommended in the local policy framework as recreational. She considered more thought needed to be given concerning recreational facilities in the area following the closure of the college sports hall and the reduction in school playing fields due to the extensive school improvement building programme being carried out and the possible loss of the outdoor facilities at King Edward VII School.

Councillor Cumbers was in agreement and regretted the lost opportunity for recreation but pointed out the planning permission was granted and development could start at any time. She considered a refusal would not hold up in appeal and therefore moved to permit the recommendation. Councillor Barnes was a seconder for this proposal.

On being put to the vote, the motion to permit was carried with 9 in favour and 1 against.

(Councillor Moncrieff requested that his vote against the decision be recorded).

DETERMINATION: Permit subject to the conditions within the report and the following reason(s):

- 1. It was considered that the main (and only) issue for the Committee to consider was whether, when viewed against the 3 tests for renewals contained in Circular 11/95, there was a basis for refusing the renewal. Clearly, the current 'outline' permission was still extant, and the Authority have already held 'pre-application' discussions with the applicant in relation to the submission of the reserved matters and it was anticipated that a reserved matters submission was immanent. The courts have held that the applicants 'fall-back' position was a material planning consideration, and even if this permission was refused, the applicant could still fall back on the extant outline, and the submission and subsequent approval of the reserved matters, would then extend the life of the outline permission and the site would be developed in any event.**

D21. URGENT BUSINESS

The Head of Regulatory Services asked the Committee for available dates for Member training. The end of September 2010 was suggested.

The meeting which commenced at 6.00 p.m. closed at 8.25 p.m.

Chairman