



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

5 September 2013

PRESENT:

P.M. Chandler (Chair), P. Baguley,  
G Bush, P Cumbers, A Freer-Jones, E. Holmes, J Illingworth  
J Simpson, J Wyatt,

Head of Regulatory Services, Solicitors to the Council (VJ)  
Applications and Advice Manager (JW)  
Administrative Assistant (JN, TC)

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D25. APOLOGIES FOR ABSENCE

Cllrs G Botterill, T Moncrieff

D26. MINUTES

Approval of the Minutes of the Meeting held on 25 July 2013 was proposed by Cllr Freer-Jones and seconded by Cllr Baguley. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D27. DECLARATIONS OF INTEREST

No Declarations of Interest.

D28. SCHEDULE OF APPLICATIONS

(1) **Reference:** 12/00704/FUL  
**Applicant:** Mr V Fletcher

**Location:** Field No 0716, Butt Lane, Wymondham  
**Proposal:** Provision of access track and retrospective re-alignment of land levels and re-seed

(a) The Head Of Regulatory Services stated that:

Comments had now been received from the Council's Archaeological advisor as follows:

- The scheme is relatively small scale
- No recorded evidence noted within the application area
- There does seem to be a faint trace of ridge and furrow in the field, however, the scale of the development and the quality of the earthworks do not amount to grounds for objection
- As far as the windmill is concerned, it is likely the archaeological evidence of the site lies to the north of the application site rather than within it, consequently, the main issue is the impact of the scheme upon the setting of the mill
- A similar situation arises in respect of Navvies Cottage, although as I understand it, as the structure is Listed Grade II rather than II\* there is no requirement to involve English Heritage
- It is unclear how future uses will impinge upon the significance of the monuments.

The question of change of use has been raised, citing the 'Ramsay' case as legal precedent. We have given this careful consideration and do not believe that the circumstances are the same. Specifically:

- The works do not change the character of the land so that it looks readily distinguishable from its surroundings and created for a different purpose
- The works do not prevent reversion to former uses
- Perhaps most importantly, the Ramsey case relates to the use of the land, not the works, i.e whether they can be carried out as Permitted Development. We are not dealing with the use here, nor can we insist it is made part of the application. We are dealing only with the physical works. If and when the use commences we will have to take into account these issues again to consider if they are Permitted Development issues or not.

(b) Mr May, representative of the objectors, was invited to speak and stated that:

- Mr May stated the concerns they had relating to the officer's report and the application in general
- He highlighted a) the purpose of levelling the ground, b) raised concerns about the number of caravans and non-agricultural vehicles using the site, c)

That should the application be approved conditions should be in place restricting its use.

(c) Mr Fletcher, the applicant was invited to speak and stated that:

- Mr Fletcher confirmed he was the owner of the site. He had approval from the Caravan Club by way of a licence for a maximum of 5 caravans to be on site at any one time. This approval was in place prior to the application being applied for.
- The access track referred to was the original access to the area but had of late become overgrown.
- He also stated that he was frequently receiving requests to stage events on the field but conformed that it was not his intention to hold events that would attract larger numbers and any such approaches were declined.

A Member questioned why the fence surrounding the site had been removed.

The applicant stated that the fence was taken down with the intention of it being replaced.

A Member questioned the applicant's 5 year business plan, and asked "if any planned activities were likely to exceed the 28 day maximum".

The applicant replied that they would not.

The Head of Regulatory Services responded to the speakers: in the Officer's view, the 'Ramsey' case referred to by the objectors is being incorrectly applied and this application was not dealing with the use of the site nor are the changes to the land as profound as in that case.

When asked by the Chair, The Solicitor to the Council confirmed her agreement with this.

Cllr Simpson stated that the site visit had proved useful; no harm had come to the site and the impact was not huge. **Cllr Simpson proposed to permit with the condition that the fence is restored within a fixed time limit.**

**Cllr Wyatt seconded the proposal to permit with conditions.**

The Chair referred the Head of Regulatory Services to the committee report regarding the reference to the septic tank.

The Head of Service stated that it is the subject of a separate investigation and is not

part of the current application.

A Member stated that they had not been to the site, however he believed that the changes to the site were being made for a purpose. The Member also asked about planning permission requirements when number of days for events exceeded 28 days.

The Head of Regulatory Services clarified that the applicant could use the land up to 28 days per year (with conditions) however to hold events for more than 28 days would require planning permission and would be subject to further conditions.

The Solicitor to the Council stated that it would be a matter for enforcement if the applicant ignored this legislation.

Cllr Holmes stated that there is a pond at the bottom of the site, and questioned where the drainage would go? **Cllr Holmes proposed to refuse the application.**

Cllr Holmes proposal failed to find a seconder. Other Members stated that they did not feel that flooding was an issue.

The Chair pointed out that there had already been a proposer and a seconder. The Chair asked that the conditions be confirmed.

The Head of Regulatory Services clarified the proposed conditions.

A vote was taken: 5 in favour, 4 against

**DETERMINATION: PERMIT, subject to a condition requiring re-instatement of boundary fence, for the following reasons:**

The site is within the open countryside, outside of the village envelope for Wymondham where policy OS2 of the Melton Local Plan seeks to resist development. The application has raised several legal issues as discussed above, but it is considered that this does not amount to a change of use of the land to facilitate events at the site. Accordingly, the application is limited to the physical works and it is concluded that the levelling of the land is not so significant as to be harmful the appearance of the area or the setting of the adjacent heritage assets.

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**(2) Reference: 13/00562**  
**Applicant:** Sainsbury's Supermarket Limited  
**Location:** Sainsbury's Car Park, Nottingham Road, Melton Mowbray  
**Proposal:** Discharge of Condition 4 relating to Planning Approval 13/00054/VAC - Artwork

(a) The Applications and Advice Manager stated that:

The application design had been formulated by the artist and a group of local schoolchildren, illustrating what was important to them about living in Melton.

The Chair congratulated the school children who worked on this project on behalf of the Committee.

(d) Mrs Bird, the artist was invited to speak and stated that:

- She had worked alongside local schools to develop ideas with the school children, the enthusiasm and response from the children was great
- She stated that 20% of the artwork is that of the childrens, the rest being her own
- She also stated she that she lives locally and took this opportunity for the design to be reflective of Melton Mowbray.

A Member asked about the materials used to create the artwork.

Mrs Bird clarified that the artwork is photographed and printed on high quality aluminium dyi-board which is weather and uv resistant. The material used would also be protected from graffiti, and would be easy to clean.

**Cllr Illingworth proposes to permit.**

**Cllr Wyatt seconds the proposal to permit.**

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

**DETERMINATION: PERMIT as received, for the following reason:**

**It is considered that the proposed artwork is acceptable and would not have a detrimental impact on the street scene.**

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D29. URGENT BUSINESS

Following a request from a member to reconsider whether Monday mornings were the most suitable for site visits, it was agreed that whilst attendances remained good no change should be made.

The Chairman reminded members of site visit protocol, asking that they keep together and do not engage in conversations with applicants/objectors.

The meeting commenced at 6.00 p.m. and closed at 6.55pm.