



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

17 October 2013

PRESENT:

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

Observing Cllr: J Orson

Solicitor to the Council (VJ), Applications and Advice Managers (KM and JW),
Planning Officer (DK), Planning Policy Officer (KM),
Administrative Assistant (JB)

D30. APOLOGIES FOR ABSENCE

None

D31. MINUTES

Approval of the Minutes of the Meeting held on 5 October 2013 was proposed by Cllr Baguley and seconded by Cllr Bush. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D32. DECLARATIONS OF INTEREST

Cllr Botterill declared a prejudicial interest in Item 2: 13/00491/FUL, Cllr Botterill **informed the meeting that the applicant is a relation of his.**

The Chair noted that Item 5 had been withdrawn from the Committee.

D33. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 13/00563/FUL
Applicant: Mrs J Dolan
Location: Field OS6700, Main Street, Kirby Bellars
Proposal: Four holiday homes

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

This application seeks planning permission for four holiday homes on the edge of the village of Kirby Bellars. The site lies outside of the village envelope in within the designated open countryside.

There are no updates to report.

The application is proposed to provide four holiday units which are two bed single storey units. The applicants have stated that the proposal would fill a gap in the market in the area for holiday homes for pet lovers and the disabled.

With regards to the main issues of the application it is considered that the proposal requires a balance of issues. There is support for the proposal in terms of the application of Policy OS2 of the Local Plan which supports small scale tourism. Whilst located on the edge of the village it is not considered that the proposal is in a sustainable location. Kirby Bellars has limited facilities and occupiers of the units would need to travel significant distances to tourist attractions. There is also concern over the design of the proposal and its impact on the streetscene. Therefore a balance is required against the concerns in respect of the design of the dwellings, the impact on the character and appearance of the streetscene and the unsustainable location with the tourist facility proposed. As detailed in the report it is considered that the location and impact on the streetscene is considered to outweigh the policy support in this instance and is recommended for refusal as outlined in the report.

- (b) Mr Smith, Chair of the Parish Council, was invited to speak and stated that:

- Kirby Bellars is a small rural community
- It is an unsustainable village as noted in the Local Plan
- The site is an important open area, in the open countryside and outside the village envelope
- The site had had several uses and the council's enforcement officer has contacted the owner regarding restoring the land to it's original field use
- The Parish Council believe there is no demand for holiday homes in the area and previous holiday homes nearby have since become dwellings adding to

the concerns of the local residents

- The sewerage and services cannot cope with the extra dwellings
- The junction of Main Street and Leicester Road is hazardous, especially for people who are unaccustomed to it
- The Parish Council are concerned that the proposal will set a precedent in the area
- Other applications have been refused due to the village being unsustainable
- This application should not be approved.

(c) Cllr Hutchison, Ward Councillor for the area , was invited to speak and stated that:

- The previous speaker covered the points well
- Had been approached by many local residents
- Would like to reiterate a few points: the site is outside the village envelope, it is an important open area, it would add a strain on the existing infrastructure, it may be a step towards permanent residences
- The proposal is not in keeping with the linear layout of the village
- He commended the report and agreed with the recommendation.

The Applications and Advice Manager (JW) replied that the highway concerns noted by Mr Smith were not reflected by the County Highways department and their comments were noted on pg 4 of the report. Also, the local plan process could not influence the procedures at the Planning Committee as it is a separate matter. Regarding the 'open area' status – it is not protected however it has been noted to be important to the streetscene. The possibility that the buildings may become permanent residences cannot be considered by the Councillors as they have to consider the application as it is before them.

Cllr Illingworth **proposed to refuse the application** as it is outside the village envelope and the site is an important open area to the residents and streetscene.

Cllr Simpson **seconded the proposal to refuse the application** as although the NPPF (National Planning Policy Framework) is supportive of holiday lets this village is not considered sustainable and therefore is a poor site. It has been clear from appeal decisions by the Planning Inspector that the sustainability of the village is a material consideration.

Members commented on the issues that may arise due to lack of infrastructure in the village, the position of the site outside the village envelope and the sustainability of

the village. A Member asked if the length of time the units could be let could be restricted, she went on to note that existing empty properties in the village could be converted for holiday lets if there was an actual need.

The Applications and Advice Manager (JW) replied that a condition could be put in place to restrict the use of the holiday units.

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

DETERMINATION: REFUSE, for the following reasons:

- 1) The development is considered to represent unsustainable tourism in the open countryside contrary to paragraph 28 of the NPPF by virtue of its proposed location adjacent to an unsustainable village.**
- 2) The design of the proposal is considered to have an unacceptable impact upon the character and appearance of the linear form of Kirby Bellars, and the surrounding countryside. The proposal is located on land considered within the Melton Local Plan to be an 'important open area', providing important breaks between buildings. The proposal is therefore considered to be contrary to policy BE1 of the Melton Local Plan which seeks to ensure that new buildings harmonise with their surroundings, and paragraphs 60 and 64 of the NPPF which seek to promote or reinforce local distinctiveness, and improve the character and quality of an area and the way it functions.**
- 3) The applicant has failed to provide an archaeological desk-based assessment of the site, and a field evaluation using appropriate techniques such as trial trenching (if identified in the assessment) to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development as required under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, and supported by paragraphs 128, 129 and 135 of the NPPF.**

Cllr Botterill left the meeting.

- (2) **Reference:** 13/00491/FUL
Applicant: Hall Farm Stud
Location: Land adjacent former Grimston Lodge Stud, 75 Main Street, Grimston, LE14 3BZ
Proposal: Relocation of Hall Stud to land east of Grimston village including temp dwelling and modification to previously approved equestrian facility.

(a) The Planning Officer (DK) stated that:

The application seeks consent for stables and a mobile home for a 3 year period to allow an established equestrian Stud business to relocate from Goadby Marwood to Grimston following termination of the existing tenancy.

The site currently has an extant planning permission for a stable development on a larger scale and this proposal seeks to modify the design to accommodate the mobile home and parking.

It is considered that the main issues that relate to this proposal is compliance with the development plan policy OS2, C4, C5 and the NPPF which seeks to restriction isolated new dwellings unless special justification exists such as allowing a rural worker to live on site.

In the case of the proposal it has been established that there is a functional requirement to have a full time presence on the site but at this current time they are unable to sufficiently justify the long term sustainability of the business. It is considered that approval for a temporary 3 year period will allow the stud to relocate and remain operational whilst assisting the business to expand so that it may establish long term sustainability in the future. After the 3yr period a further application will be required should they wish to remain on site.

Amended plans were requested to alter the permission from a permanent dwelling to a temporary dwelling as the long term sustainability of the Stud was not proven. The Parish Council are supportive of the application however the consultation is not due to end until the 21st October.

There is an error within the report relating to conditions 1 and 2 which requires correction. **Condition 1** requires amending to take into account the temporary 3 year period **Condition 2** requires restriction of occupation to those responsible to the running of the equestrian business.

No changes Conditions 3 and 4.

It is therefore requested that the application be delegated for approval in accordance with the report providing no further issues have been raised through the consultation process with the alterations to the wording of conditions.

(b) Gemma Branson, agent for the applicant, was invited to speak and stated that:

- The NPPF seeks to support rural businesses
- Relocation is required and a residence will be required immediately due to the nature of the business
- The application site is screened from village, sits in the contours of the land and will have no harmful impact on the countryside
- The business seeks to prove continued viability at the new site and a dwelling is necessary to continue the success of the business.

Cllr Cumbers stated that she was pleased with the report and application, she **proposed approval of the application.**

Cllr Simpson agreed that the applicant had made a good argument for the need of a temporary dwelling and **seconded the proposal to approve the application.**

Members agreed that the application was appropriate and acceptable.

The Applications and Advice Manager (JW) asked for confirmation that the motion included that the proposal be approved as per the recommendations in the report.

Cllrs Cumbers and Simpson agreed.

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

DETERMINATION: APPROVE, for the following reasons:

The site subject to this planning application has an extant planning permission for a stable development to be used for commercial purposes and therefore it is considered that the principle for equine development has been agreed with no objections from the Highways Authority. It is considered that the modifications proposed to the design of the stable as approved is acceptable and would not have an adverse impact upon the character of the area or create an unduly detrimental impact upon any existing or future residents.

At this present time the Stud business is unable to justify that a permanent dwelling can be sustained by the business which questions the long term sustainability however it is understood that there is a need for someone to be present on the site. It is considered that in order to support the business in successfully relocating a temporary dwelling would be the most appropriate solution.

Cllr Botterill returned to the meeting.

- (3) **Reference:** 13/00560/FUL
Applicant: Barratt Homes
Location: Brs Depot Adjacent To Lake Terrace, Leicester Road, Melton Mowbray
Proposal: Retrospective application of existing fence

(a) The Planning Officer (DK) stated that:

The proposal seeks permission for retention of an existing timber fence along a prominent road giving access into the town.

The application is to be considered by Committee due to a Member request.

It is considered that the matter for consideration is whether the fencing as it exists has a detrimental impact upon the character of the area. The fence is of a 'hit and miss' design and has been painted in a dark stain. In its present condition it is considered that it is not out of keeping with the area - there are other examples of timber fencing along the back edge of the highway.

It is recognised that there is potential for the condition of the fence to deteriorate over time which could result in having a negative impact. It is considered that the decline of the fence could be successfully controlled through imposition of a condition requiring submission of a maintenance schedule to outline time periods for maintenance. Accordingly the application is recommended for approval as set out within the report.

(b) Cllr Moulding, a Ward Councillor for the area, was invited to speak and stated that:

- The fence provides privacy for local residents
- A compromise could be found lowering the height of the fence so not to cause visibility difficulty for local businesses and still offer some privacy for residents
- The fence is left over from when the site was built
- Recently the fence has been tidied up
- As a prominent entry to the town, the fence needs to be attractive and well kept
- Suggested that the application be refused and a compromise solution be discussed with the developer.

The Planning Officer (DK) replied that the County Highways found no issues

pertaining to visibility due to the fence height or position.

Members discussed the type, state of repair, suitability, prominence and character of the fence. Members disagreed that it was part of the 'gateway' to Melton and its suitability of height and materials. Members sought to clarify who owned the fence and who would be responsible for its repair and maintenance.

The Applications and Advice Manager (JW) **noted that the fence would form part of the grounds maintenance of the development financed by ground rent agreements that residents are obliged to enter into.**

Members asked why the application was retrospective and what plans were originally made for the fence.

The Applications and Advice Manager (JW) replied that the fence was left from the time of the building works. The design of the original fence cannot be clarified as the drawings are not currently available to the department, either through loss or fire.

Members discussed the several possibilities: approving the application in order to protect the privacy and safety of local residents, refuse the application as it is inappropriate for the site and deferring the determination until further information can be sought regarding the original plans and ownership issues relating to its maintenance and repair.

Cllr Illingworth **proposed to defer the application** until further information can be found or proven to be unavailable.

Cllr Holmes **seconded the proposal to defer the determination of the application.**

A vote was taken: 6 in favour of deferral, 5 against deferral.

The Applications and Advice Manager (JW) asked for clarification on what information was sought by the Members.

Members agreed that the developer should be asked to produce the original plans and for proof that they were approved.

DETERMINATION: DEFER, for the following reasons:

To seek confirmation of the boundary treatment as approved as part of the original development and confirmation of fall-back position.

**D34. COMMITTEE UPDATE:
REPORT OF APPLICATIONS AND ADVICE MANAGERS
DEVELOPMENT CONTROL PERFORMANCE 2013/14 (QUARTER 2)**

The Applications and Advice Manager presented a previously distributed report regarding the performance of the department for the second quarter of 2013/14.

The report is considered to be a good set of results for the team. Of note are the major development targets and appeals as well as enforcement. Feel that the team should be commended for their efforts.

Cllrs Illingworth and Simpson commended the team -the Chair agreed and asked for this to be recorded.

D35. URGENT BUSINESS

None

The meeting commenced at 6.02 p.m. and closed at 7.14pm.