



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

7 November 2013

PRESENT:

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

Observing Cllr: J Orson

Solicitor to the Council (VW), The Head of Regulatory Services
Applications and Advice Manager (JW), Planning Policy Officer (KM),
Administrative Assistant (JB)

D36. APOLOGIES FOR ABSENCE

Cllr T Moncrieff

Cllr Illingworth joined the meeting at 18:01 apologising for his delay.

Chair spoke to the public stating that the first item, application 12/00310/FUL would not be heard that evening as it had been withdrawn. She apologised if people had attended the meeting to hear the application, going on to say that efforts had been made to notify as widely as possible the previous day that it was not to be heard.

D37. MINUTES

Approval of the Minutes of the Meeting held on 17 October 2013 was proposed by Cllr Holmes and seconded by Cllr Bush. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D38. DECLARATIONS OF INTEREST

Cllr Holmes declared a non-pecuniary interest in 13/00609/OUT; Cllr Holmes stated that the applicant rented land belonging to her family and she would leave the chamber during its debate.

Cllr Simpson joined the meeting at 18:03 apologising for her delay.

D39. SCHEDULE OF APPLICATIONS

- (1) **Reference: 13/00276/FUL**
Applicant: Mr S Mair - Agent
Location: Lionville Brickworks – Field No’s 6475 and 7262 Eastwell Road, Scalford
Proposal: Redevelopment of the former Lionville Brickworks and construction of a fishing lake plus 10 luxury log cabins cafe/clubhouse.

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

He noted that Cllrs had been unable to access the site during the site visits and that he was aware there was a request that they should see the site before determining the application. He asked the Chair if Cllrs wished to defer the determination until they had the opportunity to access the site. He noted that officers had since visited the site and found it to be treacherous.

The Chair **proposed to defer the application**. Cllr Cumbers **seconded the proposal to defer**. It was unanimously agreed that the application be deferred until access could be arranged, if possible.

DETERMINATION: DEFER, to allow for a more thorough site inspection.

Cllr Holmes left the meeting 18:05.

- (2) **Reference:** 13/00609/OUT
Applicant: Mr & Mrs B Wiles
Location: Land to the rear of 1a East End, Long Clawson
Proposal: Outline application for the erection of single storey 2 bedroomed dwelling with reserved matters of access, layout and scale.

(a) The Applications and Advice Manager stated that:

This application seeks outline planning permission for the erection of a single storey two bed dwelling on the edge of Long Clawson in the designated open countryside.

Since publication of the report an additional letter of objection has been received which states that:

- The revised plan proposed only one point of entry and exit
- The road is a private road and the householders 1B – 1J have a responsibility for a section of the road. They are not responsible for the use of the road by the proposed dwelling.
- Concerns over safety, creating a new roadway between two houses is most unusual and is fraught with potential risks. Cars leaving the property will be driving out blind with no view of other traffic. The point of entry and exit is directly opposite another driveway on the other side of the road.
- In the event of emergencies it is unlikely that an ambulance or fire engine would be able to gain entry through the proposed access.

In respect of these comments, these issues have been addressed in the report. The application has been assessed as having no adverse impact on highway or pedestrian safety.

With regards to the main issues of the application, the application seeks outline planning permission for the erection of a small bungalow outside of the village envelope for Long Clawson, within the residential curtilage of an existing dwelling house. The proposal is immediately adjacent to the village envelope for Long Clawson which is considered to be a sustainable village. However, the proposal represents back land development of a residential garden which the NPPF seeks to resist where it would cause harm to the local area. On assessment of the application it is considered that the provision of a driveway between 1 and 1a East End would inevitably change the streetscene, and although the new dwelling would not be immediately visible the access drive would. The new dwelling is also considered to cause a disruption to the built form of the Brunts Farm development which is formed of dwellings situated around a cul-de-sac.

It is not considered that the erection of a bungalow would be appropriate in this

location outside of the village envelope, and as such the application is recommended for refusal as set out in the report.

(b) Mr Philips, an objector, was invited to speak and stated that:

- The proposed dwelling would be outside the village envelope (VE)
- The was previously agricultural land until annexed as a garden in the last 10 years
- The development would be 'back-land; and does not relate well to the surrounding area, there will be no street frontage but it will be visible from the rear of the adjoining houses
- The access proposed would disrupt dwellings at either side and the cul-de-sac, it is also emerging directly opposite another dwelling and is a poor addition to the current movement of traffic in the unadopted road
- The V E is quite clear and should be considered in this case

(c) Mr Sibthorp, the agent for the applicant, was invited to speak and stated that:

- Although the majority of the site is outside the current VE the whole of the cul-de-sac was a farm yard when the VE was adopted and therefore has seen a change already
- The development would be within the curtilage of 1A
- The VE are under review and the proposal put forward in the Core Strategy, if approved would have meant the site was within the VE
- The proposal is back-land development but is a conventional build, would look out of place in the area or impinge on neighbouring properties
- There is an alternative access available to the applicant which may be preferred by both the applicant and Members.

The Chair raised concerns regarding parking and turning arrangements on site.

Mr Sibthorp believed there is enough room to park 2 vehicles and still have sufficient space for turning. The position of the building on the site could be adjusted if thought necessary to increase provision.

A Member voiced concerns about the access and the increase in traffic on the cul-de-sac. He asked about the alternative access.

Mr Sibthorp stated that the applicant preferred the alternative access, which had been part of the original application but had been altered due to issues regarding the

ownership of the track it would have exited onto. He also stated that the applicant had rights of access to the track.

The Applications and Advice Manager discussed the alternative access, using the plans to indicate its position to Members. She went on to state that the VE may have been under review in some areas but it is currently placed as show in the report and that should be considered, she also noted that other Council policies also discuss the restriction on building in the open countryside and are consistent with the National Planning Policy Framework (NPPF). The impact of the position of the development has to be considered and weighed against other factors including that the village is classified as sustainable.

Cllr Baguley, a Ward Councillor for the area, stated that although the proposal is for a small property (which meets local needs) it is outside of the VE and will have a detrimental impact on the area. She **moved to refuse the application**.

Cllr Cumbers **seconded the proposal to refuse the application** as it is clearly outside the VE and the Members had to consider how the VE is placed currently, not what it had been or what it may be.

Members discussed the issues regarding the access to the site and the VE.

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

DETERMINATION: REFUSE, for the following reasons:

- 1. The proposed dwelling is in a countryside location, outside the village envelope of Long Clawson as defined by the adopted Melton Local Plan, where there is a general presumption against the erection of new dwellings. It is considered that there is no essential, justified need for a new dwelling at this location as stated both within policy OS2 of the Melton Local Plan, and paragraph 55 of the National Planning Policy Framework (NPPF), nor does the dwelling represent innovative or exceptional design.**
- 2. In the opinion of the Local Planning Authority, the proposal is considered to have a detrimental impact on the form and appearance of the locality where dwellings are orientated around a cul-de-sac. The introduction of back land development in this location will result in development visible behind the existing street-fronting houses and this will unduly alter, and harm, the character of the area. The proposal is therefore considered to change the character and built form of the area and would change the appearance of the neighbourhood, contrary to paragraph 53 of the NPPF.**

For these reasons the proposal is considered contrary to saved Policy BE1 of the Melton Local Plan and National Planning Policy Framework.

Cllr Holmes returned to the meeting at 18:24.

Cllr Orson left the meeting at 18:24.

- (3) **Reference: 13/00514/FUL**
 Applicant: Mr J Orson
 Location: North Lodge Farm, Longcliff Hill, Old Dalby
 Proposal: New two-storey dwelling and attached garage to replace
 an existing dwelling

(a) The Applications and Advice Manager stated that:

This application seeks planning consent for a replacement dwelling in the open countryside. The application is presented to committee as the applicant is a Ward Councillor.

There are no updates to report.

The proposed replacement dwelling does represent a slight increase in size from the existing farm house and a different orientation. The design of the dwelling is unique and is not considered to be in keeping with the existing or the surrounding dwellings. However, the design, which is a subjective measure, is considered to be innovative and original. The dwelling, through the design, has a number of sustainable development techniques which should be commended and are considered to reduce the impact of the dwelling on the environment and the needs of future generations. The dwelling would not have any adverse impacts on neighbours, highway safety or the open countryside. The replacement size and scale is considered to comply with Policy C12 and as such the judgment becomes one of design. As stated in the report the design is supported and is considered to be innovative and original and supported by the NPPF. Therefore the application is considered acceptable and is recommended for approval as set out in the report.

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

- This was a unique opportunity to build a building with a lot of sustainable credentials, including active and passive elements, such as solar gain

- orientation, heat recovery systems, Photovoltaic panels and solar panels.
- The glass elements would be screened from the village by landscaping and careful orientation
 - The new building will increase the area of the building currently on site but that it is in accordance with policy C12.

A Member asked why the building was based on a 'Dutch Barn' as this was inappropriate.

Mr Joyce replied that the existing building is agricultural in style and while not expressly imitating a 'Dutch Barn' the design is representing a vernacular character that suits the site.

A Member expressed concerns that a good farmhouse was being lost to the replacement dwelling and that it would have been preferable to build alongside instead. He went on to ask if all aspects of the sustainable credentials were proven.

Mr Joyce suggested that Architecture was an opportunity to put down a 'marker in time' that could be looked back on and appreciated. He went on to say that all green technology proposed had been used effectively by them previously.

A Member congratulated Mr Joyce on the design and green credentials stating that this was a direction that all new development should be heading.

Mr Joyce stated that the design elements will cut down on energy usage.

A Member stated that she had questions relating to the policy for replacement dwellings, such as the size of the replacement dwelling, tranquillity aspects noted in the report and the environmental impact of removing a good, habitable building. She went on to ask if the NPPF supported the removal of existing dwellings in the countryside and how does this replacement enhance the rural area.

The Applications and Advice Manager apologised for the error in the report pg. 3 which included a bullet point (referring to tranquillity) appearing to be part of policy C12 but is not and should not be included or considered. She went on to say that although policy C12 does not state what would be an acceptable increase in size and scale for a replacement dwelling, in the past buildings up to 40% larger had been approved. She noted that policy C12 requires that the building to be replaced *has* to be habitable and therefore a dwelling loss would be expected in this type of application. She stated that the NPPF accepts replacement dwellings in the countryside and aims to maintain a rural community by doing so; regarding

enhancing the rural area, design is a subjective matter and so Members are directed to consider the policy regarding replacement dwellings in this case.

A Member asked for confirmation about the increase in footprint of the new dwelling, stating that it is substantially larger than the existing and therefore would not adhere to policy C12 which discusses a 'similar size and scale'.

The Applications and Advice Manager apologised for using the term 'footprint' in the report when 'floor area' would have been more appropriate. If the floor area was considered then the new dwelling was not more than 23% larger than the existing dwelling which expended to 3 stories in places.

The Chair voiced concerns that dwellings in rural areas were becoming bigger and not meeting identified housing need.

Cllr Baguley stated that the proposal is of such a scale that it is not similar to the existing dwelling and has a design that is not compatible with the established form of surrounding development, and would therefore appear out of keeping and character. Sustainability credentials of the proposal are compromised by the loss of the existing s dwelling. It is therefore contrary to policy C12 of the adopted local and the guidance of the NPPF on design she **proposed to refuse the application**.

Cllr Holmes **seconded the proposal to refuse the application**. Stating that she was not against innovation but that the siting is incorrect.

Members discussed the merits of the character, design and green credentials of the building. They also discussed the loss of the existing building and the size of the replacement.

The Chair reiterated concerns about the size of the dwelling not meeting housing need.

The Applications and Advice Manager stated that the existing building could be considered not to meet housing need either and therefore as a replacement dwelling the issue was not material in this case. The policy to consider was C12, replacement dwellings in the countryside.

The Applications and Advice Manager clarified the reasons for refusal.

A vote was taken: 4 in favour of refusal, 5 against refusal.

Cllr Wyatt **proposed approval of the application** as per the officer's report.

Cllr Simpson **seconded the proposal to approve the application.**

A vote was taken: 5 in favour of approval, 4 against approval.

DETERMINATION: PERMIT, for the following reasons:

The proposal seeks planning permission to replace an existing farm dwelling. The dwelling, whilst representing an increase in size and slightly different orientation and location is considered to comply with Policy C12 of the adopted Melton Local Plan. It will be constructed to comply with Life Time Homes and using sustainable development techniques which would reduce its impact upon the environment and meet the needs of future generations. The landscape is considered to be capable of absorbing the development and will not have a detrimental impact upon the wider countryside location. The proposed modern design whilst not reflective of the local style of the village is considered to be innovative and original in accordance with the NPPF. The replacement dwelling would not have an adverse impact on adjoining residential properties or highway safety. It is considered that proposal is in accordance with the requirements of the Local Plan and the NPPF

- (4) Reference: 13/00448/FUL
Applicant: Melton Mowbray Town Estate
Location: Land adjacent 121 Saxby Road, Melton Mowbray
Proposal: Application for a pair of semi-detached dwellings.**

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

This application seeks permission for the erection of a pair of semi-detached houses within the town envelope for Melton.

Since publication of the report comment have been received from the Environment Agency. The Environment Agency have removed their objection and recommend conditions in respect of a sustainable urban drainage system, flood storage and floor levels.

It is considered that the proposal would not have an adverse impact on adjoining properties, the streetscene or highway safety. The design and layout is considered acceptable and is therefore recommended for approval as set out in the report with the addition of the requested conditions of the Environment Agency.

- (b) Mr Cooper, agent for the applicant, was invited to speak and stated that:
- This was a straight-forward proposal for infill development that would provide small houses that met identified housing need
 - In response to issues raised by the Environment agency a sequential and exception test had been carried out and special features to ensure resistance to any possible flooding had been incorporated into the design in accordance with recommendations.

Cllr Orson returned to the meeting at 19:00

Cllr Freer-Jones asked if any objections had been raised by the neighbours to the site.

Mr Cooper replied that he was not aware of any.

The Applications and Advice Manager clarified that there had been no objections received.

Cllr Freer-Jones **proposed approval of the application.**

Cllr Wyatt **seconded the proposal to approve the application.**

A Member asked for clarification regarding the windows on the gables of the dwellings.

The Applications and Advice Manager confirmed that no windows in the new development were proposed.

Members agreed that the proposal was consistent with policies and pleased that features to mitigate against flooding had been put place.

The Applications and Advice Manager confirmed that the approval include the conditions set out by the Environment Agency.

Cllrs Freer-Jones and Wyatt agreed.

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

DETERMINATION: PERMIT, for the following reasons:

The application seeks planning permission for the erection of a pair of semi-detached dwellings in the town envelope. It is considered that the proposal

has been designed to have no impact on adjoining properties, is appropriate in design to the streetscene and is acceptable in terms of highway safety. Located in the town envelope the development is therefore considered to be in a sustainable location and meets the requirements of the NPPF and also provides housing to meet identified housing need. The applicant has provided information of available sites and why such sites have been discounted, and the proposal is considered to have passed both the sequential test and the exception test as defined within the NPPF.

- (5) **Reference:** 13/00629/FUL
Applicant: Mr And Mrs J Brankin Frisby
Location: 30 The Hollow, Knossington
Proposal: Change of use of land to domestic use and construction of a greenhouse and garden store to be attached to the existing detached double garage.

(a) The Applications and Advice Manager stated that:

This application seeks permission for the change of use of a strip of agricultural land to be used for domestic purposes.

There are no updates to the report and the application is recommended for approval.

Cllr Botterill **proposed approval of the application.**

Cllr Holmes **seconded the proposal to approve the application.**

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

DETERMINATION: PERMIT, for the following reasons:

It is considered that the change of use relates well with the existing residential use of the adjacent site, and would not have a significant harmful impact upon the appearance of the open countryside. The site is well screened from the highway by mature planting and subject to imposing a condition requiring delineation of the area to contain the use the proposal is considered acceptable as a departure to Local Plan policy OS2.

- (6) 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 Head of Regulatory Services stated that:

The report had been updated to explain the background to the application (i.e. that no details for this boundary had been submitted at the time permission was granted, in breach of a condition) and to explain what the consequences of refusing permission would be, in terms of enforcement action. That the main issue for Committee remained as the impact on amenity caused by the fence.

(b) Mr Southerington, an objector, was invited to speak and stated that:

- The fence was left from when the site was developed carrying advertisements for the development and added security to the site while under construction; is not designed for its current position nor as an acoustic fence
- It is now detrimental to the street scene and a poor visual aspect as the entrance to the town
- There has been no maintenance on it for years till recently
- It is out of keeping with all the other fencing on the development which are knee high structures with privet in most places
- Visibility is hindered by the fence and other landscaping would be better. The design of the roundabout and the position of the fence could result in an accident particularly when great numbers of children are coming past at times.

Cllr Baguley asked about other examples of fencing in the area.

Mr Southerington described examples of fencing around that estate and the other developments close by.

Members discussed the likelihood of reduced visibility due to the fence, its height and the location as not being at the entrance to the town. They went on to discuss the possible outcomes from approving the application and also refusing it, including the future maintenance of the fence

The Head of Regulatory Services noted the procedures that would follow depending of the outcomes from the determination, stating that should the Members refuse the application then the developers would be expected to submit an application for consideration and approval. This would therefore be offer an opportunity to have a different fence..

Cllr Simpson stated that she was reassured that by refusing the application it would result in the resubmission of an application that would result in an improved design. She **proposed refusal of the application.**

Cllr Bush **seconded the proposal to refuse the application.**

A Member said she could not support refusal when no neighbours had objected to the fence and the County Highways department had not objected either.

A vote was taken: 5 in favour of refusal, 3 against refusal and 2 abstentions.

Cllrs Cumbers and Wyatt asked for the votes against refusal to be noted. Cllr Chandler asked for her abstention to be noted.

DETERMINATION: REFUSAL, for the following reasons:

The fence, by virtue of its height, materials of construction and prominent location, represents and unsightly feature within the streetscene. It is therefore contrary to saved Policies OS1 and BE1 of the Adopted Melton Local Plan and the advice in the NPPF on design.

D40. URGENT BUSINESS

TPO 11/00001/TPOMBC: WALTHAM ON THE WOLDS CHURCH OF ENGLAND SCHOOL

The Chair stated that a late item had been submitted, the reports were before the Members and it would be heard as 'Urgent Business'.

Cllr Holmes asked for standing orders to be suspended to allow speakers on the item.

The Solicitor stated that the usual speaking provisions did not apply to this type of report and reminded Members that this was not an application but a report on a notification received by the Council.

The Head of Regulatory Services and the Applications and Advice Manager stated that they had informed prospective speakers during that day that speaking would not be invited as the item would fall outside of usual speaking provisions.

Cllrs debated if speakers could be heard and it was agreed as parties from both sides were present and wishing to speak then they may if it was agreed to suspend standing orders.

A report was circulated addressing the circumstances of this case. The Chair suggested that the meeting be suspended for 10 minutes in order to give time for Members to read the reports prior to moving forward.

The meeting was suspended from 7.30 till 7.40pm.

Cllr Holmes **proposed suspending standing orders.**

Cllr Botterill **seconded the proposal to suspend standing orders.**

(a) The Head of Regulatory Services presented a report explaining the background to the proposal to the tree and the legal provisions that allowed trees to be exempt from normally applicable controls associated with Tree Preservation Orders

(b) Mrs Sarginson, an objector, was invited to speak and stated that:

- She is a resident of Waltham and has 2 children attending the school
- She has a strong belief that the rules governing the exception of restriction to works on a trees covered by a TPO had not been followed and that an immediate threat to safety was not proven and therefore the exception was not present
- A second genuinely independent report should be carried out and the correct procedures should be followed
- If the tree is found to be dangerous she would no objection to its removal.

Cllr Cumbers asked if the tree was fenced off at all.

Mrs Sarginson stated that it was not.

Cllr Botterill asked if pollarding would be acceptable to her.

Mrs Sarginson confirmed that it would be.

The Head of Regulatory Services asked what would be Mrs Sarginson's preferred outcome for the evening.

Mrs Sarginson stated that she wanted the correct procedures to be followed, the removal of the tree to be applied for in the usual way and be brought before the Planning Committee for them to determine.

(c) Mr Henderson, Headmaster of the school, was invited to speak and stated that:

- He speaks on behalf of the governing body of the school
- The school has about 80 pupils
- The tree is in the middle of the playground
- The infants classrooms are beneath the bow of the tree
- The tree report shows that there is an immediate and serious risk and should it fail there could be a loss of life

Cllr Holmes asked why the tree had not been pollarded when that work had been approved.

Mr Henderson stated that delays outside of their control had resulted in the works to the tree not being undertaken. He noted that the approval was for crown reduction not pollarding.

Cllr Simpson asked if the school would close the playground if the tree was not taken down. She also asked if parents had voiced concerns.

Mr Henderson stated that the school undertakes a dynamic risk assessment every-day to assess any changes in the tree. If it was windy enough then the school would be closed. He went on to say that if they could not take the tree down then their insurance may be under threat which would result in the school being closed. He added that parents had been kept updated of steps taken by the school.

Cllr Illingworth asked for clarification about the 'intolerable' risk described by Mr Henderson.

Mr Henderson replied that the tree's state is an intolerable medium to long term risk and would have to be addressed.

Cllr Freer-Jones asked about the request for another survey to be taken on the tree due to some possible disagreement on the impact of the fungal infection.

Mr Henderson stated that he had already sought an independent report and did not want to continue asking for reports that may confuse the issue further.

Cllr Botterill asked if pollarding would be acceptable.

Mr Henderson stated that the nature of the fungal infection resulted in it being inappropriate action to take on this type of tree as it may destabilise the tree.

The Head of Regulatory Services replied that the report submitted by the LCC Arboriculture Department was independent and that the Council did not have the ability to delay the removal of the tree was subject to a 5 day notice that satisfied the terms of the exemption from TPO controls.

Members discussed the report and the appendices agreeing that although there may be some information to indicate that the fungal infection may not be immediately endangering the tree that it was clear from the reports that a risk to life was immediately present. They went on to say that the loss of the tree would be sad but safety of children was paramount and that had to take precedence.

Cllr Simpson **proposed to note the notification submitted and its acceptance.**

Cllr Bush seconded the **proposal to note the notification submitted and its acceptance.**

A vote was taken: 6 in favour of accepting the report's recommendations and 4 abstentions.

DETERMINATION: to note the notification submitted and its acceptance.

The Chair stated that Cllr Moncrieff had voiced concerns regarding The Old Red Lion at Nether Broughton being subject to an application for conversion to residential from a Public House and asked if it would be brought before Committee.

The Head of Regulatory Services stated that the type application did not prompt it to be brought before Committee but should it attract specific levels of representations

or other trigger points set out in the constitution then it would have been.

The meeting commenced at 6.00 p.m. and closed at 8.14pm.