



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

06 November 2014

PRESENT:

PM Chandler (Chair), J Simpson (Vice Chair), P Baguley,  
G Botterill, G Bush, P Cumbers, A Freer-Jones, E Holmes,  
MR Sheldon

As Observer  
Cllr B Rhodes

Solicitor to the Council (VW), Regulatory Services Manager (PR),  
Applications and Advice Manager (KM), Administrative Assistant (AS)

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The Chair opened the meeting by introducing all Council Members and the members of the planning team present, at the meeting, to the general public. This was due to comments received in the customer feedback surveys.

D55. APOLOGIES FOR ABSENCE

Cllr J Illingworth sent his apologies

D56. DECLARATIONS OF INTEREST

Cllr Rhodes declared an interest in application13/00877/OUT and left the meeting during the determination of the application.

D57. MINUTES

**Minutes of the meeting 02 October 2014**

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Simpson. The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

**Minutes of the meeting 16 October 2014**

Approval of the Minutes was proposed by Cllr Bush and seconded by Cllr Baguley. The Committee voted in agreement. It was unanimously agreed, by all members who were present at the meeting on 16<sup>th</sup> October, that the Chair sign them as a true record.

#### D58. SCHEDULE OF APPLICATIONS

- (1) **Reference: 13/00877/OUT**  
**Applicant: Leicestershire County Council**  
**Location: Former King Edward VII Upper School, Burton Road, Melton Mowbray**  
**Proposal: Demolition of the majority of the existing buildings on the site, construction of up to 120 residential dwellings together with associated open space and infrastructure**

- (a) The Regulatory Services Manager stated that: the application referred to part of a group of school buildings & playing fields on Burton Road, in a residential area which have been vacant for some time.  
Update – New sums in S106 contributions (Education £350,000 and Police £43,811)  
This is an outline application – only access to be considered in detail at this stage  
The application has been amended since submission – was up to 100 dwellings and 60 unit extra care facility. Now, up to 120 dwellings only  
All buildings on site to be demolished except –  
Nursery school which will continue to be operated as nursery and three buildings to be converted to residential use .While not listed or in conservation area, they are heritage assets and their retention helps to reinforce character of this part of Burton Road  
Indicative layout submitted with application for information only but shows mix of dwellings.  
Main Issues are:  
Policy – Inside town envelope – accords with policy and NPPF, except for proposed playing field which is in countryside, outside envelope  
Highways – no objection  
Loss of sports facility –Sport England consulted – who have no objection. Note that new field larger and better than existing.  
Impact of new field upon countryside – Will change, but considered to be acceptable in overall scheme. No significant adverse impact.  
Impact upon protected trees – Survey submitted which shows that of about 250 trees and 4 groups less than 30 trees to be removed. Some good condition (e.g. to provide new access) others poor.  
Residential amenity - No significant impact subject to mitigation which is addressed in the Environmental Health Officer's comments. Some impact upon new houses from existing playing field and upon existing houses (principally Willcox Drive) from new playing field. Mitigation will include

controls over floodlights

Right of Way – From Burton Road to Meadow Way. While Public Inquiry in Summer 2014 established that this is not a Public Right of Way it could be used. Applicants have chosen not to re-open. On balance support that approach due to historic problems with anti-social behaviour.

Cllr Bush, the Ward Councillor, commented that the proposed playing field at the far end was a playing field in the past and that it is not being used as farm land at present. It is currently wasteland and overgrown. Numerous people have contacted him supporting the application but do have concerns that need to be addressed. The main concerns are access. 1 being, on to Burton Road, however after the site visit he has no concerns regarding the new entrance. 2 being access via the alleyway that has been closed off. Most of the concerns are for the safety of the children walking to and from the estate along busy roads and many feel they will drive their children to school. He has measured the distance in his car and walked the rest on foot to where the furthest house would be and it is over a mile. He has received a lot of complaints from residents at the Burton Road entrance end, that use the school. Because the alleyway has been closed for 3 years now, they either have to walk all the way round due to closure of alleyway or more often than not they drive. This increases the amount of traffic that is parking on Meadow Way, Grange Drive and around the shops on the school run every morning. He and the residents feel that opening up the alleyway to the new estate would enable people to walk their children to school and the local facility which is the shop, which is actually only 200 yards away. What we would like to do in conjunction with the school is to reduce the amount of traffic outside there. He feels that opening up the alleyway is important and would achieve this as by opening up the estate, it would allow people to walk their children to school, which would be about half the distance it currently is. We need to encourage people to get out of their cars. **Cllr Bush proposed to allow** the application along with a condition that states; the current alleyway between Meadow Way and the proposed new housing be reopened as part of this application.

The Chair asked for clarification regarding the legal standing of the footpath as she thought it was a restricted right of way and then closed.

The Regulatory Services Manager responded that it has always been a right of way used by local residents and certainly by children, when the school was open. The Inquiry in the summer was trying to establish if it was a formal public right of way, which has a certain status. The outcome of the Inquiry was that it is not a public right of way. However the view of the County Highway Officer, as set out in page 5 and 6, whilst it is not a public right of way it is desirable to have it as a link through and for the reasons Cllr Bush has outlined. Also on page 6 the report states that permeability and accessibility are desirable and also flags up some concerns regarding a history of anti-social behaviour, perhaps when it operated when the school was open rather than it is now. In terms of a condition that is for members to decide. The alleyway is outside the application site but the application site abuts it and it is in the ownership of the applicant. In terms of it being a condition that could be enforced or a Grampian style condition then it could be imposed, unless the solicitor has a contrary view. The applicant appreciated that the decision regarding this access would be a matter of

discussion for members when it came to committee.

The Chair asked for the definition of a Grampian condition.

The Regulatory Services Manager explained a Grampian condition is a condition which requires works to be done, on land outside an application site, but usually on land in public ownership. Often highways land so that proposed works can be implemented.

Cllr Bush commented that when this application first came up 2 years ago the residents went to see the original application which included the old peoples home and the alleyway was included. It is County Council owned. It has only been taken out for the reasons stated. I'm asking for it to be re-instated and re-opened.

The Chair added that this would be as a condition.

**Cllr Sheldon seconded the proposal to allow** the application with the condition attached.

Cllr Cumbers commented that her family live at the Burton Road end and her grandchildren have learnt to ride their bikes on the school area. Though some of it inside was gated, a lot of it had been left open for the public. That included tennis courts. It has been a really good facility and asset for people living at the Burton Road end. There's never been any suggestion of anti-social behaviour. Cllr Cumbers would like the new playing field to be more than that and would like to see a cycle path around the area. The tennis courts will be missed and she hopes consideration will be given to other uses of that land in the past.

The Chair commented that Leicestershire County Council had a policy at one time, which allowed the local residents to use the facilities after 4pm when the school had finished for the day and that she was aware of this happening at Bottesford.

Cllr Cumbers added that in new developments in the area there are lots of cul-de-sacs and people don't like to see children riding around and around on their bikes in front of them, therefore it needs footpaths going away from it.

The Chair asked Cllr Cumbers if she would like to see an extra condition.

Cllr Cumbers commented that she would and asked whether this would be a Grampian condition.

The Regulatory Services Manager commented that when this area was in educational use, and even now whilst unused, there are certain roads and hard surfaces through the development which children can enjoy because there is no traffic on them and it's an unused site. Should this development get planning permission, it will be developed with estate roads and open spaces so it will be a housing site. Some of the routes and roads that the councillors have referred to will be developed as part of this proposal. He suggested that when the details come in, any layout in development, tries to ensure that facilities are provided in terms of

pedestrian links through and cycle routes so it is as pedestrian and cycle friendly as possible. It's not possible to say to the developer those hard surfaces that were used by the school, in terms of playing areas or driveways, should be retained because this will all be dug up and re-laid as a modern housing development. It is perfectly reasonable to say as part of that development it should where possible have facilities and routes through for pedestrians and for cyclist.

The Chair commented that will come with the layout and the reserved matters stage.

Cllr Cumbers added that in a previous development on Edendale Rise 15 to 20 years ago, residents didn't like youngsters toing and froing on bikes and that provision should be made at the playing field. When they were cycling at the school the children weren't interfering with anybody.

Cllr Simpson commented that she agreed that there should be access across the site for cycling and felt that The Regulatory Services Manager's recommendation was apt. There are three school complexes on this site and there is no reason why they shouldn't be joined up with access for walking and cycling. Re- opening the old footpath isn't a good idea as it created a lot of problems. There were a lot of anti-social behaviour difficulties. If it is indicative of what it might be like, there are going to be a lot of people coming into that estate, walking around the estate and then going down that footpath to and from the shops. For a new estate we should be able to do something better than that, a better design. There should be more accessibility to the rest of the site, particularly the schools but not in any enclosed areas and not any tunnelling of people down small alleyways where problems can occur. Cllr Simpson stated that she would like to see a condition for footpaths and cycling but it needs looking at in greater detail, possibly by an architect who is used to dealing with this type of development and make the development work for the whole community and all three schools.

The Chair commented that the footpath link would give the area greater sustainability as people wouldn't have to use their car.

Cllr Simpson agreed but felt that it would also bring further people in from the top of Burton Road as there aren't many areas like that and it has always been well used. The Chair asked if Cllr Simpson was putting forward an amendment to Cllr Bush.

Cllr Simpson stated that she would prefer to hear any further debate but didn't think she could support it if that particular alleyway was opened up through a housing estate.

Cllr Botterill commented that he supported the new vehicular access and thought it was better than the original one on Burton Road. He also supported Cllr Bush on opening up the alleyway as he agreed with the idea of children walking to school because it does them good. However he considered that the area that is proposed to be a playing field looks uneven and that earth should be used to level it out and make a decent playing field.

Cllr Holmes commented that during full council in July one of her fellow Independents had put forward that there should be a roof tax which would provide funds for a bypass. She felt that the County Council, whose land it is, are not keen to do this. There is another area in Melton where there will be a development of houses and other developers are doing this. We should be thinking about putting a roof tax on every single house built in this borough, on a sliding scale. There are going to be 120 houses so 240 cars. Sometimes we can't get in to the Council for 6pm, due to the amount of traffic and this will create lots more traffic. It is one of the most dangerous roads out of Melton. We need to get this right as this is at outline stage. We need a bypass for this town as the town is grinding to a stop now and it will continue. She hoped fellow members would take this on board. Thought that site included evidence of a ridge and furrow field. In the report it states there has been a desktop based archaeological assessment. It should have been visited. Because this is an outline application we must get this right. Cllr Holmes stated that when she was Chair of Housing, the footpath was visited and was deemed to be a very dangerous area at that time. She is unaware if that is the case now. She agreed with Cllr Simpson but felt that the alleyway could be dealt with at a later stage, The Regulatory Services Manager advised that in addition to desk top survey there was a detailed archaeological report and that trial trenches had been dug across both the application site for the residential development and for the proposed playing field, and the view is that what is proposed is acceptable subject to a standard watching brief from archaeologists.

The Regulatory Services Manager addressed the concerns regarding a bypass, stated that on page 4 of the report it sets that the Council is currently going through a process of both considering a number of major applications, which are already in process and future applications, and producing the new Local Plan. Have commissioned highways work to assess the impact sites would have upon road network in Melton Mowbray. This is in addition to the usual technical assessment by the highway authority. The highway authority have said there are no technical objections to the application but in this case we have gone one step further with the County Council and looked at the whole growth of Melton Mowbray over 20 years, not just this site and the immediate area. Taking that into account, which is still a work in progress, the view of highway authority is that there are no grounds to refuse this on cumulative impact. If Members were to suggest a levy to contribute to highways mitigation this would have to comply with the law and CIL/Section 106 rules, such as being related to the development, be proportionate and necessary. There are a number of tests that you have to apply and also it has to go in to a specified scheme to overcome a specified problem. The mitigation could be widening roads or the construction of new roads. However at this stage it is too early to say what that mitigation would be. This is set out in pages 4 and 5 of the report nevertheless for this particular application, there are no good technical or legal reasons that we could insist up on it. It wouldn't be reasonable.

The Chair commented that the people of Melton are very disappointed with the fact that we keep building houses and not doing anything to improve the road network.

Cllr Holmes commented that she would like to speak to The Regulatory Services Manager after this application because she has spoken to many developers who all

say, excluding the County Council, that they would be happy to have a roof tax because they know that Melton Mowbray needs some sort of relief road.

Cllr Sheldon commented that his main concern was traffic management and asked if it was possible, even if it means removing some trees, to have a ghost lane built in on Burton Road. He's happy for the development of 120 houses to go ahead as long as there is a solution in place to allow the traffic to continue to flow. He added that he supported Cllr Bush's proposal for the alleyway. Cllr Sheldon added that he agreed with Cllr Holmes regarding the roof tax but understood the legal implications.

Cllr Bush commented that he felt some of the points raised had been incorrect. He agreed that there had been anti-social behaviour problems but that they had been in the past and more so when the school had been open. Cllr Bush pointed out a green area on the application plan called The Cobs and commented that people from all over town used to congregate there and that there had been no problems from the actual alleyway itself. He stated that nobody had ever been picked up for anti-social behaviour in the actual alleyway. He commented that there are 12 alleyways on the estate linking it together. When people want to go to the shop they want to take a shortcut through the alleyway. It's an estate built on alleyways for ease of access so people don't have to use their vehicles. The biggest thing that upset the residents on the estate was the closure of the alleyway as it denied access to the places and points that they used to be able to get to. We need to reopen the alleyway otherwise we will create and add to the traffic problems and parking infringements that are already occurring.

Cllr Simpson commented that there must be a better way than the alleyway to link all three schools and the shops up. She wouldn't consider not opening the alleyway up again, if there were no other options. Other options should be looked at. The County Council should organise something where there is no chance of getting any anti-social behaviour.

Cllr Bush stated that there isn't any anti-social behaviour now

Cllr Simpson asked how long the alleyway has been closed.

Cllr Bush responded since 2011.

Cllr Simpson questioned if this is why there have been no reports of anti-social behaviour recently.

Cllr Bush responded that there are still problems in The Cobs but the anti-social behaviour is not due to the alleyway.

Cllr Holmes commented £350,000 for education, so why did we close the school in the first place. She stated that she couldn't approve the application without a roof tax and some sort of relief road. The Chair commented that developer contributions cause her concern as it is a tax on the houses. The police were charging £500 per house but this has reduced now.

The Regulatory Services Manager stated that he fully understood the concerns

regarding highways, a bypass and the traffic situation in the town. In this case, after careful consideration by officers and experts, at this stage it is not technically necessary or legally reasonable to impose such a contribution on developers in terms of the impact of traffic. As future schemes come forward we will ensure we are taking a fair and consistent approach that fully takes account of all the impacts of these developments and what are reasonable and lawful mitigations to secure.

Cllr Freer-Jones referred to the need for a section 106 contribution to highway improvements to mitigate extra traffic to improve the road systems. Cllr Freer-Jones asked if there is specific criteria about contributions to this specific section 106 agreement that you can't mitigate for poor road systems to allow contributions to be gathered within that. She commented that there is a suggestion for 2 bus shelters and RTI and that she didn't know what RTI is. She asked if there is an allowance under that to accumulate a fund to improve highways.

The Regulatory Services Manager explained that RTI stands for real time information which is an electronic notice board at the bus stops. . Any developer contribution must be to mitigate a harm which is a technical issue and it must go to something that is designed to overcome that harm. In this case there is no technical issue with highways so there is no harm to mitigate therefore it would be unreasonable to ask for money to go into a fund to overcome the harm. Money can't be collected for non-specific purposes. Whilst this application will generate traffic there is no harm to the transport system above and beyond what is set out in pages 15 and 16 of the report.

Cllr Freer-Jones asked if the contribution from the County Council is voluntary and not a requirement.

The Regulatory Services Manager responded that it's not volunteered, all contributions are calculated and assessed by various experts and must be lawful. Cllr Botterill commented that Cllr Sheldon had suggested ghost lanes and if this went ahead they would need funding. This is possibly what we could request money for. With increased flow of traffic it will cause more of a bottle neck.

The Regulatory Services Manager assured members that if the development required a ghost lane the highways authority would impose this on the developer and this would be at the developers cost. This would be a technical specification for any highways works and not secured through Section 106.

Cllr Cumbers commented that she would still like to see a condition regarding footpaths and cycle paths in the playing area.

The Chair responded that this can't be done at outline stage but it could go to reserved matters in the future.

The Solicitor to the Council responded on behalf of The Chair that these issues could be raised with the applicant going forward if the application is approved at this stage.



Cllr Holmes asked for clarification of who is responsible for the application either the County Council or the highways.

The Solicitor to the Council responded that it is two separate arms of the County Council. The application would be the County Council in its capacity as land owner because it is an asset. But the county highways are fulfilling their regulatory statutory functions. They are very separate entities so there would be no overlap or conflict.

A vote was taken: 6 members voted in favour of approval of the application. 3 Members votes against. Cllr Holmes asked for her vote against the application to be recorded.

#### **DETERMINATION:**

**Grant Planning Permission subject to a Section 106 and conditions as set out in the report with the following amendments:**

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- **Section 106 - amended contributions of Education £350,000 and Police £43,811**
  - **Additional condition to ensure provision of pedestrian right of way to Meadow Way**
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Cllr Rhodes returned as an observer at 7.00pm

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**(2) Reference: 14/00715/FUL**  
**Applicant: Greene King Pub Partners**  
**Location: The Red Lion, Grantham Road, Bottesford**  
**Proposal: Create new garden area to the rear of the Public House**  
**New extractor from kitchen**  
**Internal Refurbishment**

a) The Advice and Applications Manager stated that: Planning permission is sought for the creation of a new garden area to the rear of the public house; a replacement extractor to serve the kitchen and minor internal refurbishment. The Red Lion is a Grade II Listed Building and is located within the conservation area and village envelope for Bottesford.

As stated in the report it is considered that the proposals will help to secure the continued use of the building. Planning permission was granted in November 2013 for a timber framed pergola and children's play area to the rear and this application seeks to replace these elements with additional seating and a BBQ. The building has always been a public house with the provision of outside drinking areas to both the front and rear. There are no recorded noise complaints and the license has no specific restrictions on the outside drinking areas. It is not

considered that the proposals will adversely affect the residential amenities of neighbouring properties and any future noise complaints should be dealt with under the Environmental Health Act & Licensing Act rather than the planning regime.

No additional comments have been received and accordingly the application is recommended for approval as set out in the report.

The Chair commented that there were no speakers registered although there had been 17 objections, however Cllr Wright had requested that the following statement be read out:

*Please find my response/comments re the above application:*

*I have received much correspondence objecting to this application; in the main the concerns are regarding the changes to the rear of the building, i.e.*

- *Impact on homes and gardens of immediate neighbour*
- *cause serious disturbance to neighbouring properties.*
- *the application is clearly aimed at facilitating later night use, current use is more often during daylight hours*
- *will undermine the special feature of the immediate Conservation Area by way of noise and light pollution.*
- *will turn into a noisy party area of the village.*
- *Again not suitable for the heart of the Conservation Area*

*I understand and appreciate the Red Lion needs to attract more customers but this must be weighed against the effect on neighbouring residents and disturbing their quality of life.*

*I read in the reports conclusions; last paragraph that - It is not considered that the proposals will adversely effect the residential amenities of neighbouring properties, obviously this is out of kilter with local thinking.*

*May I therefore request that the applicant reconsiders and moderate their proposals to alleviate these concerns?*

The Chair commented that she has similar concerns to Cllr Wright especially the proximity of 2 Church Street which is just seven metres from the proposed barbeque area and that the licence goes on until 1am, two evenings per week.

The Advice and Applications Manager confirmed she had checked the licence for the public house. The opening hours are Sunday to Thursday until midnight and Friday

to Saturday until 1am.

The Chair asked for clarification of the link between licencing and planning.

The Solicitor to the Council responded that they are two separate regimes. There is the planning regime and applications are dealt with in accordance with planning requirements and material considerations. Licences are dealt with under the Licencing Act 2003. They are separate statutory regimes and considerations so they are two separate matters. Planning permission is required to operate as a public house but the premises licence is separate and is dealt with as such. This needs to be considered when members are making their deliberations.

The Chair raised concerns regarding the opening hours and the proximity of this new venture to the neighbouring properties.

The Solicitor to the Council responded that this is what is stated in their premises licence, however if there are any issues in the operation of the premises licence there is a review mechanism that is available. Concerns around the operation of the premises licence are addressed by a separate statutory regime, which people should refer to the relevant authority. Only planning matters are to be considered at this committee meeting.

The Chair noted that environmental health have concerns but that is a separate matter.

Cllr Simpson asked if it was possible to restrict the outside use of the seating area after 11pm in respect of the residential amenities. There could be a condition restricting use of the outdoor area.

The Advice and Applications Manager commented that enforcing that condition would be difficult and the premises licence states they can serve alcohol until 1am. They have an outdoor area with a smoking shelter and you would be unable to restrict people from congregating in that area, as it forms part of the public house.

Cllr Simpson commented that a similar condition had been put on another application recently because of the noise of voices 1.2km away. Perhaps the condition could be put in place and be reviewed after 12 months.

The Advice and Applications Manager responded that she wasn't aware what the licence said for that particular premises however she had spoken to the licencing team and they advised her that they would ideally wish to steer away from any planning conditions. If there are issues with regards to noise and disturbance then they should be properly dealt with under the licencing act or the environmental health act.

**Cllr Simpson proposed to defer the application** for consultation to see if we can condition it. It has been done before for other applications.

The Chair commented that she has concerns about the noise issue as she is aware

that by the time an investigator arrives any noise may have subsided.

The Applications and Advice Manager commented that the previous application that Cllr Simpson had referred to was a change of use, unlike this application which is an established public house. With a change of use you can look at an application in its entirety and what harm it would have on any existing neighbours. This application is not looking at a change of use, it is just considering an alteration to the number and the layout of the outside area. The Applications and Advice Manager also commented that she has been advised that there are no recorded noise complaints.

The Chair commented that there have been no noise complaints as no patrons sit outside at the back at present as the surroundings are not very attractive . Patrons currently usually sit at the front. The new proposal would allow room for 80 people at the back and 60 people at the front with noise from both. The Advice and Applications Manager advised that the number of tables and chairs in the outside areas doesn't require planning permission and they could have as many chairs and tables as they wanted outside. It is only because of its listed building status that they are having to apply, in terms of a change in materials used.

The Chair commented that although they have existing permission to use the back part, they are not currently using it. Also the rear part is out of the sun due to tree preservation orders on the trees there.

**Cllr Holmes seconded the deferment** as proposed by Cllr Simpson. Cllr Holmes also added that The Chair and herself are on the licencing committee. She would like to go back to the applicant and ask if their plans are fair to the local residents as there is currently no one sitting at the back but it would be very different once the alterations are completed. We should be able to condition it.

The Chair commented that Cllr Holmes was going back to the licencing and planning issue.

Cllr Holmes responded that she was aware of this. She also added that on page 5 of the report "County highways had not objected on the grounds of on street parking issues" however she had concerns regarding parked traffic and considers it dangerous as it's on a corner.

The Chair commented that even though there is existing parking the increase in parked cars will encroach on this area.

Cllr Simpson commented that she can't approve the application if people will be outside at 1am so close to residential properties.

The Chair commented that a reason for deferment needed to be provided.

Cllr Simpson responded on the grounds of insufficient information.

The Chair commented that the information was in the report.

Cllr Simpson stated in that case she would approve the application with a condition in place restricting the use of the outdoor area after 11pm.

The Solicitor to the Council asked Cllr Simpson if she was wishing to withdraw her earlier proposal to defer the application.

Cllr Simpson responded that only on the advice that it is clashing with the licencing issues. If there is a licence for a business to open until 1am it doesn't mean that the patrons have to be outside until this time. It should be like the condition for Ladywood as there should be consistency.

The Advice and Applications Manager showed the members the plan that was approved in November 2013 and stated that it can be implemented as it has planning permission. She pointed out that it does include a large outdoor seating area and it is the same size as the one they are proposing now. They can implement it now, as long as they operating in terms of their licence they could sit outside now until closing time under that approved scheme. It was a delegated decision at that time as there were insufficient objections to bring it to committee. The Chair commented that it was just a children's play area at that time.

A member of public announced that they wanted to speak on the matter.

The Chair responded that they would be unable to as they had not registered to speak and hoped that the letters are clear when explaining how to register.

The Solicitor to the Council asked for clarification for the record regarding the proposed deferral.

Cllr Simpson commented that she would prefer to defer but mainly to clarify if a condition can be put on the application.

The Chair commented that they have a duty to the general public and residents of the area.

The Solicitor to the Council asked for clarification if the deferral was still on the table. If members are asking for additional input it needs to be clear to the officers what they are expected to do.

Cllr Simpson responded that she wanted the deferral to go ahead so they could look into clarification of the conditioning where there is a current licence already running.

The Chair commented that they needed further legal advice.

Cllr Sheldon commented that the proposed commercial barbeque would be very smoke intensive. The wind pattern would affect this and residents may need to close their windows and doors which would be a loss of amenity. He stated that barbeques nowadays can be extracted.

The Chair commented that it is a very tight area.

Cllr Sheldon that there should be no outside food served after 9pm as that impacts on residents outside amenity as well.

The Chair asked if it would be environmental health who put restrictions on the times food can be served. She agreed it should be deferred until more information can be gained on the concerns raised.

A vote was taken: 8 Members voted in favour of deferment. 1 Member abstained.

The Chair addressed the public and stated that when the application comes back to committee they should follow the public speaking policy to enable one of them to speak next time.

**DETERMINATION: Determination of application deferred for additional information on Licensing and Planning control regimes to be reported to Committee**

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- (3)    **Reference:**        **14/00639/FUL**  
      **Applicant:**        **Charles Wells Pub Company**  
      **Location:**        **The Peacock Inn, 22 Main Street, Redmile**  
      **Proposal:**        **Removal of existing ‘lean to’ canopy to rear of property;**  
                              **Installation of raised decking area and covered canopy at rear;**  
                              **Alterations to car park with provision of small garden area;**  
                              **Alteration of surfaces to front courtyard area;**  
                              **Internal alterations**

- a) The Advice and Applications Manager stated that: Planning permission is sought for the removal of the existing lean-to canopy to the rear of the property; installation of an extended raised decking area and covered canopy at the rear; alterations to the car park to the rear, alterations to the surfaces to the front courtyard area and various internal alterations. The peacock Inn is a Grade II listed building and is located within both the village envelope and conservation area for Redmile.

Since publication of the report a further four comments have been received on the proposal.

Firstly, that the whole plan is totally unsuitable for Redmile. The parking as history reveals is horrific and space must be allowed for residents and employees, leaving no space for other development. There is a playground 10 paces from the public house.

Concern has also been raised regarding the length of some of the proposed spaces and the width of the aisle at the north end of the car park. Due to the inadequate aisle width a number of bays cannot be used by ordinary cars and others will be difficult to use by anything other than a very small car. It is also noted that there are no disabled parking spaces.

In addition the plans show that at the front the trading area is to be increased by extending the outside drinking/dining area over the existing car parking spaces. 8 decked and gravelled areas are shown for tables and chairs resulting in the potential for an additional 32 patrons. At the rear the decking is to be extended over part of the rear car park with fixed seating creating a further trading area which could easily accommodate a further 20 patrons. The proposals therefore show an increase in trading area and a decrease in car parking provision, some of which cannot be used.

Finally, the Parish Council have commented that the latest amended plans have observed their comments about increasing the parking capacity at the rear of the property. Therefore they wish to withdraw their earlier objection.

In response to the comments raised the internal trading area is not being increased and the number of bedrooms is being reduced by 2. The amended plans have increased the number of parking spaces to 33 compared to the re 29 spaces which are marked out at present. Although some of the parking spaces are relatively small and the manoeuvring area is restricted, the size of the car park has not been reduced and many of the spaces are already in existence.

The highway Authority have been re-consulted following the comments received and they have stated that the Peacock Inn has historically had outside seating available, and this is not a new element to the public house, just an extension of the previous arrangement. The usual presumption, when dealing with car parking provision, is to base the car parking requirement on the internal indoor floor area, which in this case is not being changed.

In order to resist the proposal it would be necessary to demonstrate that the increase in outside floor area would a) lead to an increase in customers and parking demand, and b) that the increased car parking demand would then lead to severe harm to highway safety. With regard to the increase in customers, it would be difficult to demonstrate that this would significantly increase the number of customers. It could be argued that having the outdoor seating area available, would just mean that on certain days, customers would have the option of enjoying their drinks/meals outdoors as opposed to indoors.

In order to take the view that, notwithstanding the comments above, the proposal would lead to an increase in on street parking, it would be necessary to demonstrate that parking would then lead to severe harm being caused. Accident records show that there had been no recorded personal injury road traffic accidents on Main Street in Redmile. Furthermore, there are parking

restrictions in place around the Peacock Inn that prevent parking from taking place in the most unsuitable locations. Therefore it would be difficult to demonstrate that any increased parking within the highway would lead to severe harm being caused to highway safety in this instance.

Accordingly, whilst the Highway Authority do have concerns regarding the car parking and size of spaces available, for the reasons outlined above, it is not considered that a highway reason for refusal can be justified.

As detailed in the report a further issue of concern is the impact on residential amenity given the proximity of dwellings to the rear. The existing decked area is proposed to be increased with an additional area protruding to the rear which will be separated from the neighbouring gardens by a walkway. The building has always been a public house and the rear car park/hard standing area has always abutted the rear boundary of the properties on Main St enabling drinkers to gather. Accordingly it is not considered that a refusal of planning permission on the grounds of noise and disturbance to neighbouring properties would be sustainable.

The proposal is therefore recommended for approval as set out in the report.

The Chair asked if there is still an existing premises licence as the public house hasn't been in operation for some time.

The Applications and Advice Manager commented that as far as she was aware there was and that it's still a lawful use because that is its planning use.

- b) Mr Ian Lowther, on behalf of the objectors, was invited to speak and stated that: the residents would like to see The Peacock open again but not with the increase in outside trade, associated extra noise and a reduction in the already inadequate car parking. These plans contravene Melton's policy OS1, part C,E and G. Which refer to parking, noise and loss of residential privacy. Redmile has parking problems in the evening and even with The Peacock closed there is only the odd space available, as many houses don't have off road parking. Back in the nineties when the pub was last extended to its current size, Melton's planning department stated it needed 46 car parking spaces. When the pub was busy vehicles routinely parked illegally on double yellow lines, with no traffic wardens available to enforce the regulations. The application shows 33 spaces but some at the northern end are unusable being too short and the aisle width being a lot less than the length of an average car. It is too narrow to allow parking here. Highways also have concerns regarding parking in this part of the car park. The application shows an increased trading area and a reduction in an already inadequate parking facility. With regards to noise, happy outside drinkers and diners create lots of noise. The plans show 8 locations for tables and chairs on what is now the front four car parking spaces, potentially 32 people outside with space for more. At the rear the proposed decking extension over the car park shows fixed seating and room for yet more tables and chairs for at least 20



people. The original decking was built without planning permission. Lots more people outside equals lots more noise close to people's houses. 7 houses are affected. The Peacocks licence stipulates no patrons outside or music to be heard after 11pm. The two previous landlords couldn't enforce this even with just a small outside trading area. Many complaints were made and licencing enforcement have visited often and issued warnings regarding noise. Increased outside trading increases potential for noise nuisance both before 11pm at night and illegally after this time. The Brewery website promotes the pub as an events, party/wedding location and the garden restaurant is now referred to as a function room possibly with associated late licence applications. The pub currently offers up to 173 covers plus drinkers and now they want to add another 50 or so with the increased outside trading and that's coupled with reduced parking. Loss of residential privacy will occur as there could be large numbers sitting outside at the front overlooked by surrounding houses. At the rear it is worse with the nearest house being just 7.5 meters from the rear outside decking area. Both areas are in full view of house bedrooms. Noise is the major concern and even when trade was poor, as in recent years, the residents still suffered from problems with noise and parking. Imagine what it would be like with an increase in trade. There is lots of evidence available if the members wish to view it.

- c) Mr Roger Bell, on behalf of the applicant, was invited to speak and stated that: he appreciated the issues raised. Whilst they are unable to address the short fall in general parking in the village as a whole, we have addressed these concerns from a planning perspective with the provisions we have made to the plans to accommodate more car parking within the curtilage of the pub site. This seems to be reflected in the officers report. The pub has been shut for nearly 2 years and it is a significant asset within the company portfolio and is one we have been actively trying to re let but without joy until July 2014. We have now secured an agreement with an existing tenant. During the period of closure we have noted the condition of the building has deteriorated and we wish to prevent any further decline. Approval of this application would inject investment into the structure and fabric of this historic building. It is not the intention that there will be a change of use and the new landlord wants to make the pub the heart of community. He currently runs a very successful rural orientated business and recognises the importance of community engagement. It has to be recognised that with so many rural pubs still closing there has to be additional income into the business to make it sustainable hence the desire to increase the outside trading areas to underpin this business. We acknowledge this increase additional customers potentially from outside the village hence the need to provide additional parking. This is unavoidable but yet without it the business wouldn't be sustainable. The other matters raised in the neighbour objection letters are not planning related and are not for discussion for this meeting. We are not worsening the current situation. We are reducing the property to two bedrooms, therefore reducing occupancy and parking demand in this regard.

The Chair asked for clarification regarding extended parking spaces.

Mr Bell responded that they had met the request to provide additional parking as

outlined in the report.

The Chair commented that some spaces had been taken away from the front.

Mr Bell responded that they had been substituted with additional parking to the rear.

Cllr Baguley asked if 173 covers was the correct number as mentioned by the previous speaker.

Mr Bell apologised that he didn't have the exact figures available.

Cllr Baguley commented that with the amount of covers and other facilities there would still probably be more than 33 vehicles and that there isn't any other parking available.

Mr Bell responded that the arrangement is already in existence and they could potentially open the business tomorrow.

Cllr Baguley commented that there used to be parking provision for at least 8 cars at the front.

Mr Bell confirmed that he had only ever known it with the provision in place at present and that may have been in place before his company acquired the business.

- d) Cllr Rhodes, Ward Councillor for Long Clawson and Stathern, was invited to speak and stated that: he is opposed to this application in his ward largely on the grounds that have been put very comprehensively by Mr Lowther. Cllr Rhodes commented that the parking arrangement is not sufficient for the scale of the business that is being proposed. It would be acceptable for the building to reopen as a public house serving local people if viable. However if it is going to be a restaurant facility and function venue then it is going to need a lot more parking than is being offered. Therefore I would ask for the proposal to be refused.

The Advice and Applications Manager commented that there are currently 29 spaces marked out on site including the frontage. However on the new proposal there are 33 planned spaces, so there is an increase overall.

Cllr Baguley commented that she would like to see it open as a pub again as it is falling into disrepair, but not at the expense of the neighbours. Parking in Redmile is horrendous. There is another pub further down which does have outside seating and a small car park which has pushed people to park on the road. This new application will be a destination pub, it's not for local people. The noise created by the outside decking areas and a lot of the parking at the front is against policy OS1a menties for the neighbouring properties. **Cllr Baguley proposed to refuse the application** on the grounds of noise and inadequate parking. When people start to park by the Church which is just by the bridge it is

dangerous and there are no parking attendants to move them on.

**Cllr Cumbers seconded the proposal to refuse** and commented that she hoped they could find another way to use the building without causing aggravation to residents. The parking is the main issue.

The chair commented that there is an acute parking problem in Redmile and experience this herself when visiting as the majority of residents don't have off street parking.

Cllr Freer-Jones commented that she couldn't support the refusal on the grounds of noise when there is no activity at present. It is not this establishments purpose to solve the parking problems of the village.

The Chair commented Is there sufficient parking to meet the ambitions of the application?

Cllr Freer-Jones commented that this is not how the grounds for refusal came across.

Cllr Baguley commented that they are not objecting to the pub but it is to the outside decking areas which will reduce the parking spaces and create more noise.

The Chair commented that technically the parking spaces had been increased by four. There is no bigger area for parking they have just tightened the spaces up.

Cllr Baguley commented that people park badly over 2 or 3 spaces.

The Chair commented it's not about the car parking they will be providing, it's about the effect to the immediate area with regards to car parking. That area of Redmile has double yellow lines which are not enforced.

The Advice and Applications Manager confirmed there are parking restrictions in place around The Peacock. The highway authority have said that they will prevent parking from taking place in the most unsuitable locations so that is already in existence. The number of spaces is being increased by four and the number of bedrooms is being reduced by two, so internally there is that alteration. The internal floor area forms the basis for the highways authority recommendation. They are saying that they don't feel there are sufficient highways grounds to refuse the application.

The Chair commented that quite often the staff take parking spaces before the clientele arrived.

Cllr Holmes stated that the person speaking on behalf of the objectors had mentioned that the decking area had not got planning permission and that this could make a lot of difference.

The Advice and Applications Manager responded that at the time it was put in, it didn't have planning permission, but it retrospectively had received planning permission and that application came before committee and is detailed in page 2 of the report. There were a couple of applications in 2002 and 2003 for the decking which had received permission.

Cllr Cumbers commented that the aim must be to increase business. Increasing business will increase traffic and increase cars but there is limited parking. There is not sufficient parking and it will get worse. The County Council are naïve to think there will be enforcement regarding the traffic regulations because there is there is no enforcement at present

Cllr Bush commented that parking was an issue He doesn't want to see pubs close, and asked if the applicant could modify what they are proposing to do initially, to try and get custom through the door, such as not holding large events. He would find it difficult to support this application.

Cllr Freer-Jones commented that when planning applications have so many different aspects to them, they are very difficult to consider. She is not convinced the reasons of refusal are sustainable should there be an appeal. To refuse an application on noise means there must be noise and we know that there isn't any noise at present. Cllr Freer-Jones felt surely there is an impact on residential amenity but can't see where that has been picked up.

Cllr Simpson commented that she can't support application due to the issues she can foresee. She felt that parking needed to be increased and they should scale back the changes to the application to make this acceptable. The reasons for refusal are fairly simple, the parking isn't adequate for the scale of the custom.

The Advice and Applications Manager commented that the reasons for refusal that was suggested incorporated noise and inadequate parking.

The Chair commented residential amenity.

Cllr Simpson commented that she didn't entirely agree with that as years ago it was a very busy and successful pub.

The Chair commented that it hadn't been without complaint.

Cllr Simpson responded perhaps not but perhaps the applicants should take it on board that that is an issue we have a problem with. We only need one good reason.

The Advice and Applications Manager summed up their reasons for refusal as it would be contrary to OS1 with regard to residential amenity and inadequate parking provision.

A vote was taken: 7 members voted for refusal. 1 member voted to allow the proposal and 1 member abstained.

**DETERMINATION: That planning permission be refused because of adverse impact upon residential amenity and inadequate car parking. Contrary to Local Plan Policies OS1 and BE1**

Adjourned at 7.51pm until 8pm for a comfort break

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- (4)    **Reference:**        **14/00733/FULHH**  
       **Applicant:**        **P Henshaw Esq**  
       **Location:**        **Brook Farm, 1 Church Lane, Saxelbye**  
       **Proposal:**        **Erection of a timber garage**

- a) The Advice and Applications Manager stated that: Planning permission is sought for the erection of a timber garage within the curtilage of Brook Farm, but beyond the village envelope for Saxelbye.

Since publication of the report 2 further letters have been received. The first states that the repositioning of the garage has done nothing to allay the fears previously expressed. The second is from the Parish Council and states that they are happy with the decision to move the garage 3 metres further away from Brook Farm to mitigate and address some of the concerns of the nearest neighbours. Therefore the Parish Council confirm that they are happy with the amended plans and feel there are no valid planning reasons to object.

The proposed garage is of traditional construction and design and incorporates 3 bays, 2 of which are open, with an external staircase to access storage space in the roof. As set out in the report, whilst the proposed siting is beyond the village envelope, the garage is a building which adds to the residential enjoyment of the dwelling and is solely related to it. There is a good degree of tree cover screening the building and this will reduce its visual impact in relation to both the adjacent listed buildings and the street scene. Accordingly the application is recommended for approval as set out in the report.

- b) Fleur Read, on behalf of the Parish Council, was invited to speak and stated that: the Parish Council completed a site meeting of Brook Farm and it was suggested that the proposed garage should be moved 3 metres south west to help alleviate some of the concerns about the garage impeding Manor Farms vista. All Parish Council Members present agreed the moving of the garage was an acceptable solution as it would not obstruct the view from Manor Farm or from the top hill on Main Street to Manor Farm. The Parish council feel they have a duty to represent the whole Parish's opinion considering the apprehensions and support for the proposed garage objectively. They have based their observations, considering

planning regulations and there is no obvious reason why the resubmitted plans are contrary to planning regulations. The Parish Council agree that the proposed garage is in a traditional rural style using traditional materials, oak framing, reclaimed slate and respects the host listed building. They feel the building is not directly affecting the setting and there is a screening of trees and shrubs between it and Manor Farm to reduce any perceived impact. The garage will replace a ramshackle chicken shed, which adversely affects the setting of Brook Farm. The proposed garage is in keeping with the scale of the opposing farm buildings of Manor Farm. Members of the public stated it is a change for the better. Supporters of the plans who are resident in the parish have said the construction of the garage is imperative as parking is a premium along Church Lane and it would enable the owners of Brook Farm to have their cars off the road which would make the lane safer. They feel the garage would be in keeping with the surroundings and also enhance the general appearance. They were pleased to see the removal of a tin shed. The garage will help secure the applicants personal property. The Parish Council are happy with the amended plans and feel there are no valid planning reasons to object.

The Chair commented that she was surprised that the Parish Council didn't mind a breach regarding the village envelope.

c) Mr Paul Henshaw, the applicant, was invited to speak and stated that: Brook farm at present has 2 parking spaces. We have 5 vehicles so have to park on the bottom of Church Lane which creates a blind spot and is inconvenient for everybody. The proposed garage is twofold as it will provide safe and secure parking for Brook Farm but it also gives church lane back to the users of the road, residents and visitors. The materials all blend in with the surroundings and it will be built to last.

Cllr Holmes asked if land across the road belonged to Brook Farm.

Mr Henshaw stated that it did not as it had been sold separately hence why Brook Farm has nowhere to park.

Cllr Cumbers commented that there would be a bit of a road way to the garage and asked the applicant why they hadn't just used part of the garden for parking, rather than building something which might look like a house.

Mr Henshaw responded that Brook Cottage is grade II listed and it was the recommendation of Mr Spooner to build it as far away as possible so as not to detract from the cottage.

Cllr Cumbers stated her question hadn't been answered regarding using part of the garden.

Mr Henshaw responded that he wanted a garage for safe and secure parking.

Cllr Cumbers commented that part of the garage had an open front so she felt it was

not secure.

**Cllr Simpson proposed approval of the application** as she felt the garage respected neighbours views and separation distances, it fits in with the setting and provides a better setting for the listed buildings.

**Cllr Sheldon seconded** the proposal to approve.

Cllr Cumbers commented that she was surprised at Mr Spooner as she couldn't see any reason for the garage to be there. She felt it was intrusive and unnecessary and outside of village envelope so she didn't feel she could support it.

The Chair commented that everyone is aware of her feelings regarding village envelopes and that it is current policy that envelopes are protected.

Cllr Holmes commented that she agreed with Cllr Cumbers and that we have village envelopes for a reason. Sometimes we will go over on a corner for a house but this is a garage. Surely something further away from house is less secure, it would have been better as a one storey building next to the house. It would be better to have something closer and within the village envelope but she does understand that people need security.

The Advice and Applications Manager commented that it is outside the village envelope but policy C11 does allow for residential extensions beyond the envelope providing that they are in keeping with the size, scale, and form design construction. The report concludes that in this instance it meets the requirements of that condition. Although it is outside the envelope it is considered acceptable under C11. It's not a separate dwelling. It's within the curtilage of Brook Farm and it's a building associated with the use that.

Cllr Holmes commented that the garage is not residential.

The Advice and Applications Manager agreed but that is not a requirement of policy C11.

Cllr Freer-Jones asked for a point of clarification regarding whether the original proposed location of the garage had been in the village envelope.

The Advice and Applications Manager confirmed that it was still outside the village envelope previously but had been 3 metres closer, but was still substantially outside of the village envelope.

Cllr Cumbers referred to policy C11, extensions and alterations to existing dwellings. Maybe because it is still in the curtilage but she didn't think most people would look on the garage as an extension or alteration to an existing dwelling.

Cllr Sheldon commented that he was happy to support the application as it dealt with traffic management for that small area. He felt it was a good solution and that as the building matures it will blend in with its surroundings.

A vote was taken: 5 members voted in favour of approval and 4 voted against. The Chair, Cllr Cumbers and Cllr Holmes asked for the vote against the proposal be recorded.

**DETERMINATION: That planning permission be granted subject to the conditions reported**

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- (5)    **Reference:**        14/00665/FULHH  
      **Applicant:**        Mr & Mrs Swain  
      **Location:**        2 School Lane, Stathern, LE14 4HT  
      **Proposal:**        Demolition of existing garage. Extension of dwelling to form first floor bedrooms and additional ground floor living accommodation

The Chair raised concerns that were discussed at the briefing after the site visit on Monday 3<sup>rd</sup> November 2014, as Members would like another site visit as they were concerned they hadn't seen all of the garden area or where the building would take place.

**Cllr Baguley proposed to defer the proposal** for a further site visit as they hadn't seen enough.

The Regulatory Services Manager commented that he had further information and drawings for Members to consider and felt it was sufficient to enable them to make an informed decision. However he did respect the Members decision should they wish to revisit the application site.

**Cllr Holmes seconded the proposal** to defer.

Cllr Simpson commented that they should consider the further information provided by The Regulatory Services Manager before taking the decision to defer the application.

Cllr Botterill agreed.

- a) The Regulatory Services Manager stated that the application related to a 2 storey dwelling on School Lane, Stathern which is  
In the centre of the village and the Conservation Area  
No updates or additional information  
Proposal is for the demolition of a garage and a portion of wall The proposal is for a first floor over existing ground floor on School Lane and new 2 storey building/glazed link providing three bedrooms and two bathrooms  
New parking area will provide 2 spaces. Additional sectional drawing shows that garage is at street level and ground behind is about 1m higher . Plan shows that



this area will be reduced to street level and retained by new walls to provide parking spaces Materials are acceptable and no adverse impact upon residential amenity Concern about

Impact upon character of conservation area &

bulk and mass of proposals .Significant changes to a building which was historically a main building with a range of extensions/outbuildings. These are not subservient to the main building .

The works fail the duty to preserve or enhance the character and appearance of the conservation area

The Chair asked for clarification regarding the reduction of the levels and how this will affect the drainage.

The Regulatory Services Manager responded that the reduction in levels is about 1 metre and there are French drains and drains around the edge of the two storey extension. In terms of the retaining wall he assumed that drainage would be to other parts of the applicants garden but didn't have the exact details. He felt sure there would be drainage holes in the retaining wall and they would make certain there was adequate drainage for any hard standing areas.

Cllr Holmes commented that she wants to go back on site because of the size of the house and the anticipated amount of parking spaces. She also had concerns due to the drainage as it is clay land.

Cllr Baguley commented that in the pictures it looks bigger and she would like to go back.

Cllr Simpson raised concerns regarding the parking area having enough room and if it would be garaging or just parking as she couldn't gauge the distances.

The Chair commented that she felt they needed another site visit.

The Regulatory Services Manager confirmed that it is not a garage as it will be removed to allow the extension to be built. There will be two parking spaces but he doubted there would be sufficient space to turn around. Emphasised that there is no issue or concern regarding parking, the turning or the access by the highway authority.

A vote was taken: 5 members voted for the proposal for a further site visit. 2 voted against and there were 2 abstentions.

Two people were registered to speak but this did not take place due to the deferral outcome. The registered speakers were Mrs Mary Swain, the applicant and Cllr Rhodes, the Ward Councillor for Long Clawson and Stathern. They would have the opportunity to register again when the application came back to committee.

**DETERMINATION: That the determination of the application is deferred to**

enable the Members to re-visit the site

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- (6)   **Reference:**     14/00749/FULHH  
      **Applicant:**    Mr and Mrs M Graham  
      **Location:**    The Cottage, 1 Main Street, Sproxton  
      **Proposal:**     Addition of a garden room, oak framed with a pantiled roof

- a) The Advice and Applications Manager stated that: This application seeks planning permission for the addition of an oak framed garden room to the south elevation of the property. It had been brought to the Committee due to the applicant being an elected member of the Council.

Since publication of the report the applicant has advised that they are currently undecided on the roofing of the garden room. Although the application states pantiles, the proposal is attached to the older part of the house which has roof

tiles and it may therefore be preferable to match these tiles. They have therefore requested that this aspect be confirmed at a later date. You will see in page 5 of the report that suggested condition 3 refers to materials as specified unless alternatives are first agreed in writing. It is therefore considered that an alternative roofing material can be agreed under the wording of this condition if necessary.

No further comments have been received and accordingly the application is recommended for approval as set out in the report.

**Cllr Botterill proposed to allow the application. Cllr Sheldon seconded the proposal.**

A vote was taken: the members voted unanimously to allow the application.

**DETERMINATION: That planning permission be granted subject to the conditions reported.**

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- (7)   **Reference:**     14/00739/COU  
      **Applicant:**    Mr J Parmar  
      **Location:**    Turnstyle Woodturners, Burton Road, Melton Mowbray  
                      LE13 1DP

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**Proposal: Change of use from white electrical goods storage to woodturning workshop**

- a) The Regulatory Services Manager stated that the application relates to outbuildings at the rear of:  
Wicklow Lodge Burton Road  
Noted that there are other commercial uses on the site, including a car repair garage  
The building backs onto residential areas of Waverly Court and Wicklow Avenue Update – read information from applicant that business was noisy when being set up on site and referred to a testimonial from a previous landlord.–  
The proposal is a retrospective application for the use of the building as woodturning workshop. The building is in two parts; a workshop and a materials store. Doors and windows look into the courtyard and the extraction system has no external outlets  
The proposed hours of use are less than those requested by the EHO  
The key issue is the impact upon neighbours due to noise/disturbance

The Chair stated that she had a Mrs Cope registered on the list of speakers, to speak on behalf of the applicant, however she did not wish to speak if there were no other speakers on this application. There were no other speakers registered.

A member of the public, sitting in the public gallery stated he had registered to speak on Tuesday 4<sup>th</sup> November with Cllr Bush, however the administration team had not been informed. His name was Mark Hoogenboom and he wished to speak on behalf of the objectors.

**Cllr Holmes proposed to suspend standing orders** and allow him to speak. **Cllr Cumbers seconded the proposal.** A vote was taken and the Members voted unanimously to allow.

Cllr Cumbers commented that the stance on public speaking needed to be clearer as this isn't the first time a misunderstanding of registering as a speaker had taken place.

- b) Mr Mark Hoogenboom, on behalf of the objectors, was invited to speak and proceeded to play a recording but was asked to turn it off by The Chair and The Solicitor of the Council as this is not permitted. Mr Hoogenboom stated it did have a purpose but complied with the request to turn it off. Mr Hoogenboom stated that, was the proposed use of the building acceptable within a residential area? He stated that after listening to the noise levels generated by the wood turning business over several months, the level of representation from local residents in Waverly Court is 50% against this planning application. He raised concerns as the residents nearly missed this planning application. He quoted policy OS1.3 – and felt that industrial power tools, routers, cutting, sawing, drilling and sanding are noise pollution. He asked what process of measurement took place, if the visit was announced and what are the results. He quoted policy OS1.4 – 15 year old 20ft by 6ft shrubs and hedge cut down to support phone line and guttering of

the workshop, to reveal a 6 foot grey metal fence. He quoted policy OS1.5 – members would be giving permission for production facility to operate 28 feet away from his boundary and with removal of the tree line gives a direct view into his bathroom, bedroom and living room. This is directly affecting residents of Waverly Court many who are elderly. He quoted the HO report – how did they come to their conclusions. This application should be on an industrial estate not a housing estate.

The Chair commented that site visits are for the Members to acquaint themselves with the application site, not for members of the public.

Mr Hoogenboom stated that he had never been advised about this application in an official manner and that he found out by default when a stranger started cutting the hedge down.

The Chair commented that there is an official complaints procedure that he would need to follow if he was unhappy with the way the application had been handled.

Mr Hoogenboom stated that he had asked The Head of Planning for assistance in preventing the hedge being removed and that he couldn't do this due to no protection on the trees.

Cllr Botterill requested clarification regarding the decibel level.

Mr Hoogenboom stated he didn't know as it wasn't in the report. He felt the decibel levels were taken in a fabricated manner as they weren't taken in normal operating times. It is very noisy.

- c) Mrs S Cope, on behalf of the applicant, was invited to speak and stated that: the removal of the trees was organised by the highway committee and that it was not asked for by Mr Parmar. Having looked at the objections the focus was on noise pollution. Mr Parmar concedes that it was noisy when he moved in due to moving in of heavy machinery but that it was for a short amount of time. He has since been running his business and the comments from neighbours will show that they are quite happy and that the peace has been restored in the neighbourhood. It is a small business and he can only operate one piece of machinery at a time. He does also have a dust extractor. There was a concern about dust and Mr Parmar wants to assure the neighbours that he collects all the dust within the business and disposes of it himself.

Cllr Cumbers asked why the trees were removed by highways and who owned the trees.

Mrs Cope responded that she didn't know why they had been removed and that it had not been requested by Turnstyles. As far as she was aware the trees were owned by the Freemasons.

Cllr Bush commented that there had been an allegation that the trees were overhanging the pathway and highways were asked to come and clear it. They had probably cleared it further back than necessary.

Cllr Cumbers asked if the trees will regrow.

The Chair felt this wasn't a planning question but added that if you cut anything back it normally grows back in abundance.

Cllr Simpson asked for clarification of the difference between noise the residents are hearing now and when the applicant moved in.

Mrs Cope responded that when the applicant moved in there were lots of cranes moving heavy machinery in and now it is just a one man work shop.

The Regulatory Services Manager commented that this is a retrospective application and that members need to be aware of the residential amenity, however this is addressed in the report. Environmental Health Officers use a robust methodology to assess any noise impact. The professional assessment in terms of noise subject to an hours condition, which the applicant is happy to comply with, is that this use is deemed to be acceptable. He couldn't comment on the vegetation as it is not a key issue. The noise and disturbance to neighbours was a key issue.

Cllr Bush commented there is strong local opposition to the application and the main concern is due to excessive noise at certain times of the day. Most of the work in the work shop is fairly quiet and it was when we visited. He would find it difficult to support this type of application within a residential area.

Cllr Cumbers commented that at the site visit they listened with the doors open and closed and the noise was negligible especially with the doors closed. She is aware that Mr Parmar has been doing this for 15 years and that he used to operate above Westmorelands and that she had never heard any noise when she had visited Westmorelands. Environmental health will control it if there is a noise disturbance so that shouldn't it itself be a problem. **Cllr Cumbers proposed to allow** the application with a condition in place regarding operating hours and noise. **The Chair seconded the proposal.**

Cllr Botterill that they had heard lathe going during the site visit but felt that this would be quieter than the other two machines. He would like to see a proper noise assessment in case the building needs sound proofing however he is happy to support the application.

Cllr Freer-Jones commented that she is in support of businesses and people creating their own industry. However she has concerns regarding the noise and the hours of operation. She felt that hours of operation should not be allowed on Bank Holidays and Sundays. Also an 8am start is too early at weekends especially when noise is involved.

The Chair commented that it could be conditioned.

Cllr Cumbers agreed and felt this would be reasonable.

The Regulatory Services Manager clarified condition number 2 on page 6 . That condition seeks to control any use of machinery in the work shop between the hours that are specified in that condition. At other times workshop can be used to clean down and tidy. If members are suggesting that this could still disturb residents and don't want property to be used at all outside of those hours, it should perhaps be the premises and machinery will not be used at all outside of these hours for any purpose.

Cllr Cumbers commented that she didn't agree with stopping the applicant going into the business to do work outside of those hours, if the work didn't involve noise or operating machinery.

Cllr Simpson commented that she didn't agree with the application as she didn't feel it was a suitable place and that the business should be in a commercial area not in a residential area. There should be a condition to ensure the doors are closed as there is more noise when they are open. There is already some noise due to the car workshop business that is already there so we shouldn't add more noise. The buildings are very close. It's not a suitable place with regards to residential amenity. She felt unable to support the application.

The Chair asked for clarification of the status of the other properties on the site as there were revving motorbikes when they arrived on the site visit.

The Regulatory Services Manager stated that he was unable to comment on other areas of the site.

Cllr Cumbers commented that the business had operated for 15 years in Leicester Street and there had been no complaints from surrounding residential properties or other businesses.

Cllr Botterill suggested that the business be sound proofed if necessary and it would stop any problems.

The Chair suggested to Cllr Cumbers who had proposed the application, a deferment for an environmental health report.

Cllr Cumbers commented that she agreed with that.

The Regulatory Services Manager commented the noise had been assessed outside the building by the environmental health officer who was aware of the relationship between the building and the neighbours. He asked what further could the environmental health officer do if it is deferred

Cllr Cumbers and Cllr Botterill commented they wanted figures.

The Regulatory Services Manager commented that the expertise has already assessed that impact.

Cllr Botterill commented that he still wanted the figures.

Cllr Bush commented that we need to measure the band saw in operation. In reference to Cllr Cumbers comment it would have a different impact in a quiet cul de sac from the Leicester Road site as that is a busy road with traffic noise as well. He felt they needed more details regarding the noise assessment.

The Regulatory Services Manager commented that if the application was deferred in regard of the decibel figures, the environmental health officer is the expert in interpreting the information and nothing would be different apart from the report would contain figures relating to decibel levels.

Cllr Cumbers commented that it wouldn't change her mind and that she is happy with it but it may change others members minds.

**Cllr Holmes proposed to defer the application** for noise level information

**Cllr Sheldon seconded the proposal** to defer.

The Solicitor to the Council stated for clarity where the proposer and seconder of the original proposal happy to withdraw. They agreed they were.

A vote was taken: 8 members voted in favour of deferral and there was 1 abstention.

**DETERMINATION: That the determination of the application be deferred for to allow detailed noise level information to be submitted and assessed.**

Cllr Sheldon excused himself at 9.06pm.

D59. COMMITTEE UPDATE - Development Control Performance: 2014/15 Quarter  
2

The Advice and Applications Manager stated that: Planning performance for the second quarter is considered to be acceptable.

Targets have been met on the whole, however, there are some areas of concern with the performance of 'other ' applications and 'householder' applications and this is being closely monitored. The number of applications received has again increased compared to the second quarter last year and the nature and size of applications has also changed placing different demands on the team.

Cllrs should note that there is an error in Appendix 1 on page 7. The Inspector's conclusion was that the appeal should be allowed and approval granted.

At the request of members appendix 2 on page 8 shows the last 6 month appeal record as well as last years performance on appeals.

The Chair commended everyone for their efforts. The appeal situation will always ebb and flow.

Cllr Baguley commented that the report states that the Somerby proposal was dismissed but reads as if it was allowed.

The Advice and Applications Manager will check for the next meeting.

**Decision – Report noted and staff commended for efforts. Advice and Applications Manager to report back on detailed points**

**D60. PLANNING COMMITTEE – SUMMARY AND FINDINGS OF CUSTOMER FEEDBACK**

Cllr Cumbers commented that she is very happy to see the steward r being firm with members of the public as it made her feel secure in her role

The Chair agreed.

The Chair also noted feedback regarding Members talking while speakers are speaking and commented that this is something she is concerned about and that it had been raised both internally and externally with her, as she had received a call of complaint.

The Regulatory Services Manger suggested a set of house rules notes to be put in the public gallery on seats so the public were aware of what to expect at a committee meeting as some people have never attended before.

The Chair agreed with this and commented about people not being aware of having to register to be able to speak.

Cllr Cumbers suggested putting signs out regarding which door members of the public should be accessing the committee meeting through as it can be off putting when they enter behind members via the main door.

**Decision - Report noted and use of explanatory leaflets/signs supported**

**D61. URGENT BUSINESS**

None

The meeting commenced at 6.00 pm and closed at 9.15pm