



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

12 June 2014

PRESENT:

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

As Substitute

B Rhodes for P Cumbers

Solicitor to the Council (HG),
Regulatory Services Manager (PR), Applications and Advice Manager (JW)
Administrative Assistant (LL)

The Chair welcomed everyone and apologised for anyone here for 26 Boyers Orchard, Harby, as it was not being heard at the meeting. Attempts had been made to contact everyone to let them know.

Tonight's meeting was being recorded.

The Chair reminded the audience about the customer satisfaction questionnaire regarding the planning committee. Copies could be found on the seats. These should be placed in the designated box on the way out.

D6. APOLOGIES FOR ABSENCE

Councillor Rhodes was substituting for Councillor P Cumbers

D7. DECLARATIONS OF INTEREST

Councillor Rhodes – as a County Councillor

D8. MINUTES

There were no minutes available for the previous meeting but these would be ready for the next meeting on 2nd/3rd July.

D9. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 14/00078/OUT
Applicant: Davidson Developments Limited
- Location:** Field Numbers 5855 and 6071 Nottingham Road, Melton Mowbray
Proposal: Residential development for up to 85 dwellings with associated infrastructure, access and areas of open space

- a) The Regulatory Services Manager was invited to speak and stated that:

This is an application for outline planning permission of up to 85 dwellings. The only detailed matter for consideration at this stage is for the proposed vehicular access onto Nottingham Road. It is an outline application with all other matters reserved at this stage.

The report goes through 6 key issues (see bullet points in the report) and some other peripheral issues.

The application relates to the development plan and the slide shows the extracts from the local plan and the built up area of the town.

The proposal is in the countryside but abuts the built up area of the Town and is contrary to the saved local plan countryside protection policies.

Character of the open countryside, the application is in the open country side outside the defined town envelope. Pages 15 and 21 of the report refer to the character of the countryside it is high landscape quality. In summary, while it is an area of high landscape quality, this site is seen as part of the adjacent built-up area and this has to be balanced against the harm to the countryside.

Heritage asset: just to the North of the site is Sysonby Lodge which is a Grade II Listed Building and is one of the Melton hunting lodges situated around the town. Members have to consider the impact of this development on the setting of this listed building.

Residential amenity: Note that this is only an illustrative master plan for information and is not to be considered at this meeting. It does indicate what type of development could be accommodated if permission is granted. The relationship with neighbouring properties is considered to be reasonably acceptable.

Highway Safety: The only issue to be considered tonight is the access. The access into the site to serve the 85 dwellings would be located in the same position as the existing field entrance, next to the bus stop. If permitted the bus stop would need to be relocated. There would be a new refuge in the middle of the road. The new access and other traffic impacts have been considered by the Highway Authority,

which has no objection to the application subject to a number of conditions and a S106 developer contribution.

Relationship between this site and the Core Strategy: This is a standalone application which the planning authority has a duty to consider. We are in the early stages of a new local plan which has no weight at present. The urban extension which was proposed in the withdrawn Core Strategy would have been a much larger development of up to 1000 dwellings. This would be up to 85 dwellings on a much smaller site with much reduced impact. The precise details of which are known. In terms of technical assessment of the site in terms of agricultural land, quality, biodiversity, ecology and drainage the report has considered all of these and no technical objections subject to appropriate conditions which are set out in draft form at the end of the report.

Any harm to the landscape and the listed buildings has to be balanced against the benefits of developer contributions through S106. The applicants have agreed to all of the developer contributions which have been requested by third parties, including 40 per cent of affordable housing, plus a range of contributions to amenity areas, maintenance of public open space, library, civic amenity police and highway authority to do works to the junction of Nottingham Road and Norman Way, provision of travel packs and a new bus stop to replace the old one.

The overall proposal before Members does not accord to policy. Members should be aware of the lack of 5 year supply and the benefit will be accrued from the development when assessed against the NPPF and the Local Plan saved policies. When considering countryside protection, the NPPF and the supply of housing, including the provision of affordable housing, it is felt in this case that less weight be given to the harm to the countryside and the listed building than the benefits which would accrue from the development.

The conclusion paragraph is on page 24 of the report and this sets out the issues and there have been no late additions to the report.

Cllr Baguley asked if standing orders could be suspended for public speaking. This was **proposed by Cllr Holmes and seconded by Cllr Botterill.**

All in favour – unanimous

b) Mr T Bourne, on behalf of the Objectors, was invited to speak for three minutes and stated that:

The green fields on the eastern side of Nottingham Road not only provide a splendid rural entrance to the town but also includes Sysonby Lodge in its original setting of green fields which these proposals will ruin. Much of this development will be seen from Nottingham Road, particularly in the winter and will change it from rural to urban. The two fields also contain many ridge and furrows and have been in the town's possession since they were enclosed shortly after 1760 and have not been ploughed since. Melton has lost far too much of its heritage and this proposal will

mean we will lose more heritage and irreplaceable landscape as well. Once they have gone they have gone forever.

The two fields are not in the designated town envelope and therefore are contrary to Policy 0S2 and our Councillors should adhere to their own policies and reject this proposal on this basis alone and in particular to preserve the cost of the town's landscapes and heritage. This is another development to the north of Melton and goes against the planning inspectors recommendations.

The fields slop down to a stream and after heavy rain becomes a raging torrent and the developer wants to build homes and play areas near this stream and they do not know how much water is produced. They say that the development will not make it worse and are relying solely on theoretical calculations.

The stream flows through our gardens and we live with it on a daily basis and it is us that will suffer the consequences and possibly some of the new houses as well and in the time of climate change and greater rain fall.

Also it cannot be right to use our garden for drainage for all the tarmac and roof water from the new 85 houses. We own both banks of the streams we have riparian rights under the common law which these proposals will violate in all respects.

Kipling Drive and Tennyson Way are used as a short cut between Scalford Road and Nottingham Road and also link the two schools.

Our own survey says that on average between 8am and 9am in the morning 300 vehicles use this Nottingham Road junction both morning and evening figures are greater now than the developers expects in 2019 figures and we have to live with this constant stream of traffic and this is before Scholars Grange of Scalford Road is built. Davidson's development will only make this matter worse as the new residents will soon learn that they can avoid two sets of traffic light on Nottingham Road by using Kipling Drive. The new road will join Nottingham Road at a dangerous point as vehicles exiting will not be seen by vehicles coming from the North with the bend in the road.

We know that there are bat, owls and kingfisher here and to say that there is only limited ecology interest is incredulous particularly as the fields have not been ploughed for over 250 years.

Cllr Illingworth asked whether the traffic survey was carried out on more than one occasion or on multiple occasions. Mr Bourne confirmed that the survey was carried out over 5 days morning and evenings.

The Regulatory Services Manager highlighted that the planning system has no control over private rights of way.

Cllr Holmes commented that the fields were ridge and furrow fields and important.

Mr Bourne commented that the land was granted in the enclosure act of 1760 and clearly had not been ploughed since and showed on the aerial photos of the site. Unfortunately the sheep had been withdrawn and the grass had grown and you could not see it so clearly from the road and field side but they were very ancient ridge and furrow fields.

- c) Mr MacDonald, on behalf of Melton North Action Development Group MNAG), was invited to speak for three minutes and stated that:

The decision in November relating to the Persimmon site on Scalford Road had set a precedent and the applicant had used the precedent to support the plan before you tonight. Members could decline or defer the application because of material considerations.

The considerations were guidance from the Inspectorate and an emerging local plan. The inspection guided Members by saying the evidence base was both robust and credible and elements could be used to form a new local plan. The Chief Executive and Leader said the £1.2 m spend on the evidence base would not be wasted because elements could be used again. The evidence base was for an emerging plan and the evidence base contained a sustainable appraisal for sustained housing and employment growth options. The least sustainable housing growth option was and is dispersed development around the town. The Persimmon decision and the decision to approve the plan before you would deliver a cumulative effect of dispersed development.

Dispersed housing growth around the town was the wrong thing to do and Members have the evidence to stop it.

Decline or defer this application because it is the right thing to do. Defer the application and seek guidance from the planning Inspectorate. Do not be rushed into making a wrong decision. The quantitative effect of discrete development around the town is contrary to the spirit and the intent of the NPPF with regard to sustainable development.

Cllr Simpson questioned where it said about dispersed area of growth around the town in the NPPF.

Mr MacDonald responded that it did not say it in the NPPF. He said it was contrary to the spirit and intent of the NPPF, which was to deliver the most sustainable housing growth option and employment growth option to meet the social, economic and environmental effect of development. We knew dispersal around the town was the least sustainable option and did go against the intent of the NPPF.

- d) Mr M Smith, on behalf of the Agent, was invited to speak for six minutes and stated that:

Acting on behalf of Davidson, an award winning developer and an accredited 5 star rating by the home builder's federation. Davidson prides themselves on building high quality bespoke homes. They are two of among only 16 developments which were

awarded build for life accreditation by Nick Boles this year.

The application was endorsed by officers and will enter into a S106 agreement with the Borough Council. This will provide over £100,000 of community benefit for a new pavilion on the country park, local library and highway improvements. Davidson has offered to pay the majority of the S106 upon the commencement of the development.

They recognise the importance of providing affordable homes in the Borough and 40% of the dwellings in this application are supported.

Subject to conditions no objections have been raised to the application. Detail of the design and layout will be subject to a further application.

The development is landscape lead of green frontage along Nottingham Road and a green buffer to the North. It respects the site of Sysonby Lodge and has an ecology buffer running parallel to the stream and a central green spine of green space running throughout the site. This also includes a balancing pond which restricts the run off to green fields.

The scheme also contains a trim trail which will provide recreational opportunities for local children.

It is in a sustainable location and close to schools and supermarkets. The proposal for a sustainable development which satisfies the social, economic, and environmental aspects of the NPPF.

By granting planning permission members will be supporting a development of affordable housing in the Borough.

The Core Strategy Inspector made comments in respect to the proposed urban extension to the North of Melton, including ecology, agricultural land quality and impact upon landscape. The site does not contain any protected species and is considered by the Ecology Officer to be acceptable. The application site is classified as grade 3b agricultural land, which is lower quality and not the best or the most fertile.

The Highway Authority consider that the development will not have an impact on highway safety and are satisfied that the traffic generated will not have a significant impact upon the local roads, subject to a financial contribution to assess the Nottingham Road /Norman Way junction.

The previous speaker touched on archaeological issues. A detailed geophysical survey was submitted and considered by Leicestershire County Council and they have recommend further work and the Applicant has accepted this condition. Davidson request that you support the Officer's recommendation and grant planning permission subject to condition with S106.

Cllr Holmes had visited the site and stood in the gateway next to the bus stop and a car drove by at 40mph. Davidsons had said Leicestershire County Council was happy with the proposal but an accident could easily occur. Cllr Holmes asked if Davidsons had done their own traffic survey.

The Chair highlighted that this matter was for the Highways Authority. Mr Smith responded that they did have detailed conversations with the Highways Authority and had prepared a detailed traffic transport assessment document of work of the proposed access on Nottingham Road and a number of junctions further down.

The Regulatory Services Manager clarified the relationship between this site and the comments of the Inspector regarding the Urban Extension. This application was very different, it was much smaller and related differently to the town and we had all the details necessary to consider it. The Inspector considered the proposed urban extension to be unsustainable because of the unacceptable Impact on landscape, agricultural land and biodiversity.

In terms of the current application:

Impact on landscape: There would be some impact on the landscape and it would change as set out in the report. However, the site was contained by an existing built up area and harm to the landscape was outweighed by the benefits of the scheme. Agricultural land was assessed in the report, this was not the best quality agricultural land. There were likely to be benefits to ecology.

Responding to the first speaker: The site was in the countryside and it was accepted that the character would change. Ridge and furrow and archaeology: experts were satisfied subject to a condition. Other technical matters: The Highways Authority considered that the impact was acceptable.

The Chair read out a letter from Councillor Manderson, Ward Councillor for the area, with her concerns regarding the application:

1. Increased Traffic generation as a result of the proposed development. The extra housing would increase feeding into Nottingham Road
2. Concerns of residents who feared the possibility of overlooking.
3. Concerns of drainage problems
4. Loss of the green corridor leading into the town

Cllr Manderson objected to this proposed development for the reasons stated above and asked Members to please consider these real fears and the concerns expressed by residents when making their decision.

Cllr Illingworth, Ward Councillor for the area, thanked Mr Bourne and reiterated what he had said; we should be refusing the application. This area had never been included in the local plan and it was contrary to the Inspector's finding in response to the Core Strategy. Ad hoc developments and none beneficial schemes compromised the new local plan. The site was wholly in the countryside and contrary to Policy OS2

which only allowed for development essential to agriculture or forestry. The application would result in loss of agricultural land.

This was a high value landscape with historic ridge and furrow land. Consider that the Town Estate and others should be fighting to save this land not selling it off for profit. Local Plan Policy C13 related to the protected open area and we should not grant permission if there was the possibility of harm to the SSSI. Local Plan Policy C15 stated that permission would not be granted for developments which had adverse effects on wildlife habitats. 85 houses on land that had not been worked on for 100 years could only have an adverse impact on the species that inhabited it.

Cllr Illingworth did not know the specifics but the brook affected by the application ran through gardens, was it legal to use someone else's land?

Cllr Illingworth was very concerned about the road and a bend near the site entrance and questioned the stopping distance for 40 tonne vehicles. Access on the other side of the road strengthened the view as people would not expect the access on the other side. Cllr Illingworth asked if the developers and the Highways Authority had been on the site.

Cllr Illingworth had been constant about the importance of village envelopes and spoke up when development was proposed outside of the village envelope. Cllr Illingworth asked Members to join him in rejecting the application as contrary to Policies C13, C15 and OS2 and due to concerns regarding the emerging local plan and the Planning Inspectors findings. Cllr Illingworth was unhappy with the access and residents were not happy with the drainage scheme. **Cllr Illingworth proposed that permission is refused**

A discussion then took place regarding the stream which ran through privately owned land. Cllr Rhodes asked if the stream could be pointed out on a map. The stream and properties were pointed out on the plan.

The Regulatory Services Manager commented that this was currently only an indicative layout of a sustainable urban drainage system. Adequate drainage details had been submitted and statutory Consultees have no objections to the drainage details.

Cllr Holmes seconded the proposal to refuse permission.

Officers asked Members to clarify the reasons for refusal which were summarised as contrary to Policies OS2, C13 and C15.

Cllr Holmes concurred with those reasons and noted that the Sysonby Lodge development met a specified need at the time. Going forward we needed to look now for all new development to contribute to a bypass.

Cllr Rhodes clarified the land ownership query and was 99% confident that the land was not Leicestershire County Council land. Cllr Bush believed the land to be owned

by Sysonby Lodge as the land used to belong to the Coal Board.

Cllr Freer-Jones also raised concerns about traffic commenting that we should listen to residents. The Chair commented that to be fair to Leicestershire County Council Highways Authority there are too many cars on the road.

Cllr Illingworth elaborated on the reasons for refusal. These were contrary to Policies OS2, C13, C15 and included jeopardising the emerging local plan and contradicting the Inspector's findings. Cllr Illingworth was concerned about the access despite the lack of Leicestershire County Council Highways objections. However, the first 3 points were the bones of the proposal to refuse the application.

The Chair asked for clarification on whether there were 3 or 5 reasons for refusal.

The Regulatory Services Manager commented on the reasons as follows:

1. Policy OS2 - harm to the countryside and outside the town envelope. The report addresses this point. Weight should be given to harm verse benefits.
2. Policies C13 and C15 – these refer to impact on ecology and wildlife. The evidence had been assessed by the experts who had no objection to it. There was no evidence to support refusal.
3. Emerging local plan and prejudicing it - page 12 of the report stated that this scale of development would not prejudice the new local plan.
4. Access and Highways - The Highways Authority have assessed the proposal and have no objections. There was no evidence to support refusal.

The Chair commented on page 13 of the report which summarised the situation. The scheme would help the 5 year housing land supply.

The Regulatory Services Manager confirmed the 5 reasons for the refusal:

- Contrary to Policy OS2 adverse impact on the countryside and being outside the town envelope
- Contrary to C13 adverse impact on sites of ecology
- Contrary to C15 having an adverse impact on wildlife
- Prejudicial to the delivery of the local plan
- Adverse impact on highway safety

The Chair highlighted that when previously refusing an application on highways grounds the application went to an appeal and although it was dismissed the Council incurred costs as a result of going against Highways.

Cllr Illingworth noted the Chair's comments and requested that the highways reason be removed. He also requested that the 4th reason should incorporate the wording from page 13 of the report, 'the development is inherently contrary to the development plan'.

Cllr Holmes agreed but was concerned about flooding and drainage. The Chair highlighted that this would be contrary to the advice of statutory bodies.

Cllr Baguley suggested retaining the highways reason as this was the main reason she was against the application. Cllr Holmes also wanted to see the reason retained. However, Cllr Rhodes commented that we rely on the professionals in Highways for advice, we may not agree with it but their advice has to be noted as it is.

The Chair commented that we have 3 good reasons for refusal. Cllr Botterill offered to second the new proposal if Councillor Holmes was no longer happy to do so.

The Chair asked for clarification from Members as to whether they wanted the highway reason back in and asked Cllr Holmes if she was happy to second the proposal to refuse.

The Regulatory Services Manager reiterated concerns about the reasons for refusal:

- Policy OS2- outside the town boundary and harm to the countryside - this was a reason for refusal based on the balance of issues set out in the report.
- Policy C13 and C15 - wildlife and ecology - professional evidence did not support a refusal of permission.
- Prejudicial to the emerging local plan – see foot of page 12 in the report - this scale of development would not have an impact on the delivery of the emerging local plan.

Cllr Illingworth proposed that planning permission was refused for 4 reasons summarised above. This was seconded by Cllr Holmes.

A vote was taken: in favour of refusal 8, the Chair asked for her vote to be recorded against this motion, in support of planning permission being granted.

DETERMINATION: Refuse for the following reasons:-

- 1. The proposed development is the countryside, outside the town envelope of Melton Mowbray 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 new dwellings at this location as stated both within policy OS2 of the Melton Local Plan, and paragraph 55 of the National Planning Policy Framework (NPPF). The development of the site would have an adverse impact upon the character and appearance of the countryside which would significantly and demonstrably outweigh the benefits of the development.**
- 2. The proposed development site includes an area of ecological interest. The development would adversely affect this ecological site contrary to Policy C13 of the adopted Melton Local Plan and it would not minimise impacts on biodiversity as required by paragraph 109 of the NPPF.**
- 3. The proposed development would have an adverse effect upon the habitat of wildlife species contrary to Policy C15 of the adopted Melton**

Local Plan. It would not minimise impacts on biodiversity as required by paragraph 109 of the NPPF.

- 4. The development of this site would be prejudicial to the delivery of the emerging Local Plan. It would also be inherently contrary to the current adopted Melton Local Plan, especially Policy OS2.**
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Members of the public were allowed to leave at 7pm before re-commencing.

- (2) **Reference:** 14/00069/FUL
 Applicant: Mr W Seddon
 Location: Lyndon 35 East End Long Clawson LE14 4NG
 Proposal: Demolition of existing stable and garage building and erection of 1.5 storey new build dwelling

A discussion took place regarding the type of application which was full and not outline. The Applications and Advice Manager apologised for a typing error in the report.

- a) The Applications and Advice Manager was invited to speak and stated that:

This application seeks outline planning permission for the erection of a one and a half storey dwelling at 35 East End, Long Clawson. The site lies outside of the defined village envelope for Long Clawson but within the Conservation Area.

There are no updates to report.

The site is outside the village envelope but lies within the residential curtilage of the existing property. Policy restricts new dwellings within the open countryside. It needs to be acknowledged that the proposed dwelling is adjacent to the village and Long Clawson is considered to be a sustainable settlement. The dwelling would not have an adverse impact on the Conservation Area, highway safety or adjoining properties. However, the siting of the proposed dwelling is considered to be back-land development in a residential garden which is in the open countryside. The proposed scale and mass of the dwelling is significantly larger than the outbuildings which it is replacing and therefore is considered to have an adverse impact on the open countryside.

Accordingly, the proposal is recommended for refusal as set out in the report.

- b) Mrs I Rhodes, on behalf of the Agent, was invited to speak for three minutes and stated that:

Mrs Rhodes spoke in favour of this application at 35 East End Long Clawson, the property has been the family home of Mr and Mrs Seddon who have lived there since 1972 and are active members of the village community and this is why they are

desperate to stay.

Their current home has 4 bedrooms and is in need of modifications, and whilst the existing home has a traditional layout with small rooms, narrow corridors and steep stairs, it proves an inflexible layout which is difficult to alter to allow for future physical needs. The proposal is a lifetime home and is of the right type and size for the future needs of the Applicants. It also meets the needs of local housing.

The Housing Policy Officer has praised the client for working proactively towards overcoming the initial objections to a slightly larger dwelling and identifies the need for more lifetime homes in the Borough. This modern more manageable home ensures that they can stay within the village for the foreseeable future.

The proposal is a single dwelling within the curtilage of the existing garden. This will involve the demolition of some unsightly buildings and therefore an improvement of the current setting. The proposed domestic class use is in keeping with the residential location and will help with the Council's shortfall of housing supply.

This is not backland development; it will be a property with its own access and making it an individual dwelling within its own gardens and access and boundary.

The submitted scheme is preliminary by other recently approved dwellings at the east end of the village with the traditional style complementing the existing house and wider Conservation Area. The 1.5 storey scale bridges the difference between the neighbouring two storey house and bungalow on either side and again in keeping with the wider content. Once the site is split both dwellings will retain large spacious gardens and the existing house will not be compromised.

Recent developments to the North of the village and a recent development on the opposite side of the green in particular were not shown on the map. The proposed will mirror this development pattern and the continuation of the build form helps to improve the scene to the green. The proposal will contribute positively to the visual street scene and would not cause any adverse impact on residential amenities. The site is in a highly sustainable location in line with NPPF paragraph 14 set between existing buildings within the village this is in no way an isolated dwelling.

The application site is clearly within the boundary of number 35 and as such has existing residential use. The whole plot was previously within the village envelope prior to the changes in the 1990s local plan, it is not green field nor agricultural land nor green wedge it is the garden of number 35 and there is no justification why it was ever moved outside the village envelope.

In summary, this is a single lifetime high quality home situated within the garden of the current dwelling which would allow the Applicant to remain in the village. We have received four letters of support for this application from the local community and there have been no objections from the Conservation Officer, Parish Council, Ecology, or Highways Authority and there is evidence of community support and no adverse impacts.

We feel the proposed suitably reflects the local vernacular with no detrimental impact to the Conservation Area. We feel the proposal is suitable and ask Members to support this application.

Cllr Holmes asked for clarification on the alteration of the village envelope. Mrs Rhodes replied that the village envelope was changed to cut across the side of the house. It was still part of the garden of the property. The Chair added that in 1995/96 the village envelope was moved to prevent development.

The Applications and Advice Manager commented that we rely on Ordnance Survey for day to day maps and they were sometimes out of date. This was why we undertake site visits to allow Members to see the site in person. The village envelope did not denote homes and gardens; it was there to prevent expansion outside the village envelope. Village envelopes should be the starting point for decision making was Policy OS2 outside village envelope.

Cllr Baguley, Ward Councillor for the area, commented that the only negative against this application was that it was outside the village envelope and contrary to Policy OS2. The NPPF did allow development to meet local demand for 2 bedroom dwellings and as a result **Cllr Baguley proposed approval of the application.**

Cllr Rhodes, also Ward Councillor for the area, highlighted that Members had just voted to refuse an application because of Policy OS2 outside the Town envelope. Therefore, Cllr Rhodes could not support the application.

Cllr Simpson's initial thoughts were to refuse this application until the site visit. The build would be contained in the garden of the existing property and would be for their personal use. **Cllr Simpson seconded approval of the application** with the addition of a condition that the new build would be for the owner's personal use. The site was in a sustainable position and it had its own access and garden. Long Clawson was one of the identified 4 villages that would accept further development.

Cllr Holmes commented that villages had to evolve whether they were hamlets or small villages to keep people living there. Cllr Holmes did not see that this small development was a problem and concurred with the views of the electorate. The previous application was for 85 houses and was completely different to an application for 1 house. They should be looked at as individual applications.

Cllr Freer-Jones called for consistency. The application is contrary to Policy OS2 and does not adhere to Policy B8. Cllr Freer-Jones supports the recommendation of the Officer.

Cllr Bush disagreed highlighting that a precedent with applications such as this had already been set. Cllr Bush disagreed with the village envelope going through people's gardens stating that the countryside should be the barrier. Cllr Bush felt that permitting this application would not open the flood gates. We take every case on its own merits.

Cllr Botterill asked why the application had come to Committee for a decision. This was because 5 representations had been received, 4 letters of support and 1 of objection.

The Applications and Advice Manager had 3 points to address:

1. The personal occupancy condition which was unenforceable.
2. The boundary of the village envelope was not under consideration. This was the adopted Policy and should be the starting point for decision making.
3. The grounds for an approval needed to be clarified by the proposer.

Cllr Baguley responded stating that the reason for permitting the application was for local housing needs.

The Chair asked for legal clarification regarding the points of occupancy. However, Cllr Baguley asked if the requirement for personal occupation could be removed. The Chair highlighted that such a condition could be abused. Someone who had personal occupancy could spend one night in a property and sell it soon after. Members agreed not to include a personal occupancy condition.

The Applications and Advice Manager sought clarification on the conditions. The Chair suggested removal of Permitted Development rights. Cllr Baguley agreed with such a condition plus other standard conditions.

A vote was taken: 5 voted in favour of the application, 3 voted to refuse the application and 1 abstained. The Chair asked to have her vote recorded against the resolution to refuse permission.

DETERMINATION: Permit with conditions as follows:

- 1. The development shall be begun before the expiration of three years from the date of this permission.**
 - 2. This decision relates to the approved amended plans numbered 13/338/P01 Rev C submitted to these offices on 4th April 2014, and the site location plans submitted to these offices on 30th January 2014.**
 - 3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.**
 - 4. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A, B, D and E shall be carried out unless planning permission has first been granted by the Local Planning Authority.**
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5. The car parking and any turning facilities shown within the curtilage of the dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

For the following reasons:

Amended plans were submitted to overcome policy objections, and it was considered that the house meets overall local housing need and an identified local need in the village

- (3) **Reference:** 14/00356/TCA
Applicant: Mr J Orson
Location: Parsonage House 13 Paradise Lane Old Dalby LE14 3NH
Proposal: Reduce and reshape by 2 metres 2 Yew Trees, reduce and reshape by 3 metres 1 Yew tree, reduce and reshape to pruning points as shown in photo 1 Yew tree and remove lowest limb to stem and reduce and reshape by 3 metres 1 Silver Birch tree.

a) The Applications and Advice Manager was invited to speak and stated that:

This application seeks consent for works to trees in a Conservation Area. There are no updates to report. Having assessed the trees and works requested it is felt that the trees are not considered to merit protection by means of a preservation order and the trimming of the trees is considered acceptable.

Cllr Botterill proposed approval. Seconded by Cllr Bush.

A vote was taken: Councillors voted unanimously to approve the application.

DETERMINATION : Permit with no conditions as committee report

D10. DEVELOPMENT CONTROL PERFORMANCE REPORT: 2013/14
QUARTER 4 AND REVIEW OF 2013/14

a) The Applications and Advice Manager was invited to speak and stated that:

The quarter 4 and annual performance report shows that performance levels are satisfactory. It has been noted that the type and nature of applications are changing and as such future performance will need to be closely monitored. We are closely monitoring what applications are coming into the department. No significant changes to the number of applications but monies have increased. The graph on page 7 of the report shows the nature of applications and the workload.

The Chair highlighted that numbers of major applications and applications were noted at a recent away day. Members had raised questions if the department was fully staffed. The Head of Regulatory Services had stated previously that we now have Mr Reid (Regulatory Services Manager) and Mr Fleming (Local Plan Manager) in place.

The Applications and Advice Manager commented that a close eye was being kept on this. We are not concerned at present about the workload and it is being monitored carefully to make sure we have the right resources.

The Chair commented that the report was good news but we need to face the fact that there was a lot of working coming in.

The Applications and Advice Manager highlighted that most applications were delegated and were not seen by Committee. Our appeal report was good and we should be proud of this record. We are the first Authority in Leicestershire to achieve Smarter Planning Champion status accreditation and the digital service will take us forward.

D11. ANY OTHER BUSINESS

The Web site went live yesterday but needed monitoring to ensure it is working satisfactorily. We have not quite gone live with the public access system yet, but the new one has changed and will be a lot better than the current one.

The next site visit was on the following Monday and the Committee meeting was on Wednesday and not Thursday.

Cllr Simpson asked if the 26th June meeting was still taking place. It was.

The meeting commenced at 6.00pm and closed at 7.33pm