



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

12 March 2015

PRESENT:

PM Chandler (Chair), J Simpson (Vice Chair), P Baguley,  
G Botterill, P Cumbers, R De Burle, A Freer-Jones, E Holmes,  
J Illingworth.

Solicitor to the Council (HG), Head of Regulatory Services  
Applications and Advice Manager (JW)  
Planning Officer (DK)

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D85. APOLOGIES FOR ABSENCE

Cllr J Moulding  
Cllr M Sheldon

D86. DECLARATIONS OF INTEREST

No interests were declared

D87. MINUTES

Minutes of the meeting of 19<sup>th</sup> February

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Holmes

The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

D88. SCHEDULE OF APPLICATIONS

- (1) **Reference: 15/00028/OUT**  
**Outline application for the construction of 6 dwellings to the rear of 25 and 53 Ankle Hill, Melton Mowbray**

**Applicant:** Mr And Mrs P Swift  
**Location:** Land To The Rear Of 25 To 53, Ankle Hill, Melton Mowbray  
**Proposal:** Outline application for the construction of 6 dwellings to the rear of 25 and 53 Ankle Hill, Melton Mowbray

(a) The Planning Officer stated that:

This is an application for outline planning permission, with detailed approval sought for access and layout only at this stage. Appearance, landscaping and scale are reserved for later approval. A single point of access from Ankle Hill will be created giving access to the development that is to be sited along a single access road presenting a mix of dwellings.

Since publication of the report additional comments have been received expressing concern that the report does not take the matter of drainage and flooding of both existing properties and the proposed dwellings seriously. The main concern is;

- Additional run-off from additional buildings and hard standings compared with a greenfield site. The land in and around the surrounding area is saturated for most of the winter and cannot see how SUDS will have any effect on land with a high water level; and
- the diversion of already existing subsurface watercourse and filling of a naturally-fed pond. The filling of the pond and development will divert any sub-surface water courses and increase the risk of flooding.

To clarify further the objector has stated that there have been no specific drainage or flood consequences surveys carried out on the site and so therefore, nothing to show the effectiveness (or not) of any SUDs schemes that are put in place. In the previous planning meeting it was discussed that the drainage systems put in place 'could', 'might', 'may' actually improve drainage on the site. As a neighbour to the proposed development this is not good enough as the alternative is flooding to their property, my neighbours properties and the residents who would be living in the new development. This is especially true with the proposed Plot 1 which is sited North (downhill) of the proposed access road and cannot see how water from this plot can go in any other direction than towards my property. Therefore without data collection, surveys, mitigation measures including effectiveness and a detailed plan in place no level of approval should be granted for the site.

Comments have also been received from the Lead Flood Authority who have advised that the site is not indicated to be at risk of surface water flooding, however ,the adjacent properties and highway along Ankle Hill are indicated to be at risk from surface water flooding. Therefore, any development on this site will need to consider the impact on surface water and manage surface flows within the site drainage scheme. The proposal seeks to introduce sustainable drainage techniques which will have the capacity to store flood water on the site in line with the comments of the Lead Flood Authority. We have been provided with no evidence to suggest that SUDs are not an efficient way to

manage surface water and prevent additional run off. With regards to the infilling of the pond this will also need to be incorporated into the drainage scheme and if found to be naturally fed this again will need to be incorporated into the design of the drainage scheme.

With regards to the concern over the proposed drainage solution being needed to be proven and that the development should not be allowed until it is, this is what the control mechanisms of the condition on page 13 will do. Until a drainage scheme is submitted and approved as being fit for purpose then no development can commence, this is exactly what our proposed condition requires.

It is considered that the application to build six dwellings on a former greenfield site is acceptable given that no adverse impacts have been identified and adequate access and parking can be accommodated. No evidence has been presented to warrant a refusal on either highway safety grounds or on drainage impacts as a result of development, which does not amount to a material increase in traffic using Ankle Hill. The Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application, in a location that is considered to be sustainable in terms of access to services and facilities and with good transport links. In conclusion it is considered that on balance of the issues highlighted there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and meeting identified housing needs. Accordingly the application is recommended for approval in line with the report.

(b) Mr Purvis, representing the objectors, was invited to speak and stated:

- Lack of consultation
- A 45m visibility splay only adequate at 85%ile speed level.
- Whilst 11/2 is referred to, 2 storey houses still feature in the design and access statement
- 2 bungalows adjacent to boundaries will result in more loss of amenity.
- Overall footprint of houses is not much less than the previous refusal despite reduced number.
- Concerns regarding surface and underground water flows remain.
- The site is an irreplaceable amenity still intact for a century.

Cllr Chandler asked why this is considered to be a community area. Mr Purvis advised that the land still has an amenity area/value even if it can't be accessed.

(c) Mr Cooper, representing the applicants, was invited to speak and stated:

- The application was a substantially revised scheme
- Properties have been reduced from 10 to 6, reducing with it traffic, run off and amenity issues as a result.
- Open space now increased to 13.6% and plot sizes increased. This is above the standard of 5%.

- Separation distances far in excess of standards.
- Highways access provides sightlines and passing place.
- Drainage and attenuation will be addressed; these will ensure situation will be improved.
- Site is in a sustainable location which meets the policy requirements.

Cllr Freer Jones asked about open space. Mr Cooper advised now 13.6% of site (above standards of 5%)

Cllr Holmes sought clarification of drainage: Mr Cooper advised full details will follow. However the scheme should not be expected to solve existing problems but will prevent them from being worsened.

Cllr Simpson asked about car parking provision, would it be permeable? : Mr Cooper advised that it would be both hard surface and permeable.

The Planning Officer advised that consultation has been carried out following MBC requirements. Highways have not objected and have commented that a deficiency in sightlines is acceptable in this location due to road conditions.

Cllr Freer Jones commented on the residents concerns that the land is saturated throughout winter; Members noted this on the site visit. The pond is naturally fed and excavations will divert underground watercourses. New properties will make matters worse. The plans include access on to the back lane which may increase its use. Loss of green oasis in the rear is of concern. There is strong feeling shown by the level of attendance tonight. Residents are concerned about the access and any increase would worsen matters. Cllr Free Jones also expressed her concern over the access to Ankle Hill and the number of near misses, concern over highway and pedestrian safety.

Cllr Holmes asked how an open space is created and about adoption of the private drive. Water will flow from the private road onto the public highway.

**Cllr Holmes moved refusal** on the following grounds:

- Danger to traffic arising from water flowing from the road
- Traffic hazard from traffic entering Ankle Hill.
- Use of the 'passing place' would be compromised and interfere with the free flow of traffic on Ankle Hill
- Flooding

Cllr Freer Jones asked Cllr Holmes if she would accept a further reason relating to a loss of opens space /character of the area to be added. She also expressed concerns about the use of the junction for a passing place if a car is exiting the site. She considered the site was neither sustainable nor safe in highways terms and asked if this could be included. Cllr Holmes agreed and **Cllr Freer-Jones seconded the motion to refuse** with these additions.

Cllr Illingworth expressed strong reservations regarding the prospect of an un-adopted road and longer term maintenance.

Cllr Simpson asked about existing the back lane and how that is maintained

Cllr Botterill : access would be similar to that at the bottom of the hill. Drainage would alleviate water flowing downwards.

**A vote was taken on the motion to refuse: for 2 in favour ; 6 against**

**Cllr Chandler proposed approval** in accordance with the recommendation.  
**Cllr Botterill seconded this motion.**

**A vote was taken : 6 votes in favour, 2 against**

**DETERMINATION: APPROVED, in accordance with the recommendation in the report, for the following reasons:**

**It is considered that the application to build six dwellings on a former greenfield site is acceptable given that no adverse impacts have been identified and adequate access and parking can be accommodated. The Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application and provides a mix of house types identified as in need to provide a sustainable housing market for the Borough. Ankle Hill sits within close proximity to the town centre and is considered to be a highly sustainable location and adequate access and parking provisions can be provided and maintained to the satisfaction of the Highways Authority. It is considered that these facts are a material consideration of significant weight in favour of the application. It is considered that balanced against these positive elements are the site specific concerns raised in representations, particularly the development of the site from its undeveloped state behind existing residential dwellings and impact on the character of the area.**

**On the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and meeting local need. The balancing issues development of a greenfield site – is considered to be of limited harm in this location due to the unique characteristic of the site and potential for sympathetic design and careful landscaping.**

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- (2)    **Reference:**        14/00870/FUL  
       **Applicant:**        Mr M Timberlake  
       **Location:**         The Old Star Inn Public House, 1 Back Lane, Long  
                                  Clawson  
       **Proposal:**         Development of a new two storey private dwelling

- (a) The Applications and Advice Manager stated that the application seeks planning permission for the erection of a two storey dwelling within the village of Long Clawson. The site is on part of the garden of The Old Star Inn on Back Lane, the garden area and some of the surrounding area is designated protected open area and lies within the Conservation Area and village envelope for Long Clawson.

Within the last 24 hours some detailed clarification of the flooding concerns with regards to the culvert and the proposed bridge had been received. The details provided give some historical background to the culvert and flooding in this part of the village and explains the concern over the combination of narrowing of the stream increasing the velocity of the water in flood creating a backwater effect upstream. The objection refers to if a bridge is put so close to the culvert it is likely that, with the hydraulic effect of the water in flood in combination with two obstacles so close that the silts, it will increase and accumulate at this point. It is considered that the issues raised in the last 24 hours should be fully assessed by LCC Flood Officer, this additional information has been referred to the Lead Flood Authority for their advice but unfortunately due to the timescales involves they have not been able to provide this for the meeting tonight. Without this information it is considered that we are not in a position to fully consider the impact of the development on the culvert and localized flooding and therefore recommend that the application be deferred in order to obtain the Flood Officer's comments.

**The Chair proposed deferral for the reasons conveyed. A vote was taken and was unanimous.**

**DETERMINATION: DEFER to receive expert advice on the detailed hydraulic information received earlier in the day.**

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- (3)    **Reference:**        **13/00856/FUL**  
       **Applicant:**        **Mr M Enderby**  
       **Location:**         **26 Boyers Orchard, Harby**  
       **Proposal:**         **Erection of 2 bedroomed dwelling.**

- (a) The Head of Regulatory Services stated that Revised application following approval in 2010. This application has been amended several times and the result is a rectangular house with a ridge height at 2 levels. This differs from the L shaped house previously approved on the site. The other difference is that the proposal includes parking within the site, rather than shared with no 26 at the front.

Since publishing the report the further letters of support have been received and the total in support is now 14. The additional comments received reiterate the comments received regarding the quality of the applicants previous developments and that the house will meet a need in the village. One also

responds to objectors by commenting in claims made regarding its height, overlooking from a window in a gable end and drainage arrangements.

The house has been assessed to be acceptable in amenity terms, i.e. window distances, overlooking and overshadowing. It has satisfactory access and the design is considered acceptable.

(b) Mr Weston, representing the Parish Council, was invited to speak and stated:

- PC object – out of character due to design and therefore OS1 and BE1
- He drew attention to a series of inaccuracies in the report relating to the distances from surrounding dwellings
- He objected that the Parish Council's comments were being regarded as 'not material'
- He highlighted that the existing concrete slab is not in the same position as the plans indicate for the house and that the plans were not accurate

(c) Mrs Shipman, an objector, was invited to speak and stated:

- the plans not available on line when first submitted.
- Height of concern given the level of the base – would this be additional.
- 7.4 was acceptable, but the proposed height was not.
- The house would cast a shadow
- The house would be rendered when area was consistently brick
- Footings set position for the new house.
- There would be no need for gable window if the height of the house could be reduced.
- Are Severn Trent aware of the revised proposals?
- The existing footings are authorised
- The need for 2 bed houses in the area is already met
- Materials unspecified which prejudices objector's ability to comment.

(d) Ms Rebecca Edwards., representing the applicant, was invited to speak and stated:

- Designed to meet applicants needs
- Professional advice
- Learnt of objections and made amends to the plans
- Character building will enhance the area

(e) Cllr Rhodes, Ward Councillor, was invited to speak and stated:

There is some confusion with the application and unless this can be resolved he would suggest further deferral.

The Head of Regulatory Services responded to the comments made as follows:

- He guided Members through the report and demonstrated that it was not contradictory as alleged.

- That the comment of 'not material' in the report responded to comments received regarding the Parish Council's conduct, and not the comments they have submitted.
- That the application is precise and if it is successful it cannot be adapted to suit the position of the existing slab.
- That officers considered the design – including the materials – satisfactory in this recessed location partly because it did not form a key feature in a coherent street scene.

Cllr Baguley stated that the dwelling was rather large and questioned why the ridge height had to be so high. Stated that she would like permitted development rights removed.

Cllr Holmes sought clarification as to whether if deferred the applicant could appeal.

The Head of Regulatory Services advised that we should only defer to consider a different or constructive way forward.

Cllr Illingworth questioned the position of the footing and would it need to be wholly or partially removed.

The Head of Regulatory Services stated that if approved then they would need to comply with the plan.

Cllr Holmes stated that it would not be seen within the streetscene and if it went to appeal this was the sort of dwelling that is needed.

Cllr Simpson asked for clarification on the height and whether it could be built any higher.

The Head of Regulatory Services stated that if approved then it would need to be built in accordance with the plan.

**Cllr Simpson proposed approval** in accordance with the recommendation  
**Cllr De Burle seconded the proposal.**

Cllr Freer-Jones sought clarification on the parking conditions.

The Head of Regulatory Services clarified it related to No 26 the host property and the proposed dwelling and that the wording needed to be amended.

**Cllr Baguley tabled an amendment to defer** the application in order to request a reduction in the height of the proposal.

**This was seconded by Cllr Botterill**

A vote was taken on the amendment:



In Favour 6  
Against 3

**DETERMINATION: Deferred, to request a reduction in the height of the proposal by approx 1m.**

**7:26pm Cllr Illingworth left the meeting**

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**(4) Reference: 15/00035/OUT**  
**Applicant: Mr G Alambritis**  
**Location: Eastcote, 91 Grantham Road, Bottesford**  
**Proposal: Residential development of 2 No dwellings**

(a) The Planning Officer stated that:

An amendment to condition 3 was necessary to replace the wording 'to not breach the building line' to 'respect the building line'

The application seeks outline approval for demolition and redevelopment of the site with two dwellings on a site that lies within an established residential area off Grantham Road. The redevelopment of the site is capable of being designed to have limited impact on adjoining properties, and to reflect the character and appearance of the surrounding area - safeguarded by condition 3; the proposal complies with highway requirements and received no objection. Accordingly, the proposal is recommended for approval as outlined within the report.

(b) Mrs Woollard, an objector, was invited to speak and stated

- Concern over the safe access and egress from the access. The access should be to the centre of the dwellings
- The layout of the site, with reference to the positioning of the access drive leaving one dwelling with no useable front garden, is out of character with the area.
- The trees and hedgerow should be retained
- Rear garden area not sufficient
- The dwelling would look shoe horned into the area
- Contrary to NPPF para. 64 the design did not allow good amenity areas for the small dwelling due to having no front garden allocated.

(c) Mr Alambritis, the applicant, was invited to speak and

- He wished to develop to the highest standard.
- A plot opposite was granted permission for 2 houses where there was 1 previously.

- This site is bigger than the appeal example referred to.
- The appeal decision was focussed on the house to the front, which is now omitted.
- All other issues were considered at appeal and were found acceptable. These issues have not changed.
- Would like to enhance the area
- The application is in outline so there would still be control over what the dwellings would look like

Cllr Chandler reported that Cllr Wright is in support of the application

The Planning Officer advised that the application is in outline with access only. It was the bungalow projecting forward that the appeal found against. There were no issue with highways or design which would be considered as part of any Reserved Matters application.

Cllr Chandler confirmed her view that it is important to ensure it is in character with the area and the bungalow to the east

The Planning Officer confirmed that Condition 3 would ensure that the dwelling would respect the building line.

**Cllr Holmes moved approval of the application**, in accordance with the recommendation. **Cllr Baguley seconded** this motion.

A vote was taken on the motion that was unanimous.

**DETERMINATION: PERMIT, subject to the conditions as set out in the Committee report and for the following reasons:**

**The application seeks outline approval for demolition and redevelopment of the site with two dwellings on a site that lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1, BE1 and H6. The redevelopment of the site is capable of being designed to have limited impact on adjoining properties, and is reflect the character and appearance of the surrounding area, and complies with highway requirements.**

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- (5) **Reference: 14/00908/FUL**  
**Applicant: Mr John Holliday**  
**Location: Station Farm, Pasture Lane, Hose**  
**Proposal: Conversion of barns to residential use**

- (a) The Applications and Advice Manager stated that there were no additional matters to report to the Committee. The conversion and extension of the buildings represents a conflict with the Development Plan and the National Planning Policy Framework. Policy C7 does not support the conversion of redundant farm buildings to residential but the NPPF is more supportive. The current permitted

development rights also allow for conversion of agricultural buildings to residential. The only reason that this application is not permitted development is due to the proposed small extension to the barn to provide additional living space. Therefore, significant weight can be placed on the NPPF and the permitted development rights which support the principle of this development. The conversion of the buildings is considered to be sympathetic to the visual appearance of the buildings and would not have a detrimental impact on residential amenity, highway safety or ecology. Therefore, the application is recommended for approval as set out in the report.

- (b) Cllr Rhodes, Ward Councillor, was invited to address the Committee and recognised that the application was in conflict with the Local plan but in view of the content of the NPPF he had no objection.

**Cllr Baguley moved approval of the application**, in accordance with the recommendation. **Cllr Holmes seconded** this motion.

A vote was taken on the motion that was unanimous.

**DETERMINATION: PERMIT, subject to the conditions as set out in the Committee report and for the following reasons:**

**The proposal relates to the conversion of a barn to residential use and the erection of an extension and outbuilding. Although Policy C7 does not support conversion of redundant farm buildings to market residential uses the NPPF is more supportive and the current permitted development rights allow conversion to residential use provided certain criteria can be satisfactorily addressed. As such significant weight can be placed on the NPPF and the provisions of permitted development which support the principle of conversion into a dwelling in the countryside. The proposed conversion, extension and outbuilding would be sympathetic to the visual appearance of the building and surroundings and would be satisfactory in terms of residential amenity, highway safety and ecology.**

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- (6) **Reference: 14/00984/CL**  
**Applicant: Caister Castle Trust**  
**Location: Lionville Brickworks - Field Nos 6475 And 7262, Eastwell Road, Scalford**  
**Proposal: Certificate of Lawfulness for part development of caravan park.**

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

6 late representations submitted since the report was published stating that:

- The revocation was promised and the application should be refused for the reasons previously given

- The site remains unsuitable for caravans
- Last year's refusal should have been regarded as final and the application and the resources it demands should not be allowed
- The claim of commencing works was not substantiated. The only way of doing so is to have works inspected and recorded at that time. This has not taken place so the Certificate must not be issued.
- Rules regarding the commencement of works must be the same for everyone.
- A caravan site here is not welcome for traffic reasons
- The Council rejected the previous Certificate of Lawfulness at the end of last year, this subsequent application has been submitted with no firm evidence from the applicant that the work took place in the required timescales. I know there are a number of sworn statements from residents stating that the work did not take place.
- The evidence mostly comprises recollections and more weight has been assigned to Mr Powderly than others, which is unfair. There is no hard evidence to support the commencement and the Certificate should be refused unless there is proof beyond reasonable doubt or an 80/20 balance.

He advised in response to these submissions that the revocation took effect in October 2014 but this does not prevent new applications being submitted. The application is for lawful use, in this case focussing on what works were carried out and when they started. None of the comments about the undesirability of the caravan site or the refusals of planning permission have any bearing on the application – it depends exclusively on whether the permission was started.

None of the late objections have provided any information or evidence of any description to contend any of that we have already had, and are therefore on no assistance. It is not the case that one person's recollections have been assigned more weight than others as we have no basis to consider one person's any more or any less reliable than another's. We have tried to spell this out in the concluding paras. on page 13 as follows: *The argument falls largely upon recollections from various parties on the timing of the works. It is considered that there is no basis on which one version of events can be taken as more reliable than an opposing version.*

The legislation defines that the decision must be taken on the balance of probability presented by the evidence, we cannot 'move the goalposts' and apply different criteria just because the site is sensitive and the development that is the subject matter is unpopular. As the report concludes, we consider these recollections to be of equal standing, cancelling one another out in terms of the balance of probability. However the case 'for' is also supported by some independent, relevant documentation which, whilst not proof in themselves, add to the balance in favour and it is the existence of these that lead to our recommendation.

- (b) Mrs Bryant, representing the Parish Council, was invited to speak and stated:
- No evidence provided whatsoever of work, no landscaping took place

- Works to the access are nonsensical. Conversations are not evidence.
- No evidence has been provided about the access.
- The brickyard would have had an entrance and the MOD site would have. No work has been done since and no evidence to suggest that.

(c) Mr Wade, an objector, was invited to speak and stated:

- He had co-ordinated the representations
- He took issue with the applicants solicitor who advised the Committee that sworn statements were insufficient ; affi-davits were not required. Statements made in good faith by people of good health.
- he asked why is the issue being revisited now following the revocation?
- Where is the evidence? There must be invoices etc. for the proof of work.

The Head of Regulatory Services explained that the application was new and our duty was to determine them upon receipt. There are circumstances when applications can be turned away but this application has not met those circumstances so far. He also summarised the evidence provided with the application by reference to the appropriate parts of the report.

Cllr Holmes reported that she had been approached by a gentleman who used to work on the site and he can attest to the absence of any works. There has never been anything built. The application is repetitious. Suggestions have been put forward on what to do with the land but these have not been considered.

The Head of Regulatory Services clarified why the application had come back.

Cllr Holmes stated that nothing had been done in the 1970's, there is hardstanding but it could be just deposited tarmac.

Cllr Chandler agreed with Mrs Bryant that there must have been an entrance for the brickworks and the MOD site.

Cllr Holmes stated that the tarmac was done in the 1990's not the 1970's.

The Solicitor to the Council advised Members that it is the evidence detailed in the report that should be considered.

Cllr Freer Jones commented on the balance of the evidence : no more weight can be assigned to either side. Written physical evidence is required. The statements don't give that information.

Cllr Botterill explained that he had lived locally and knew the site exceptionally well. He sees no evidence of trees being planted. The gateway was there when it was a secure site for MOD purposes. No reason to believe gates were built in the 70's and couldn't support the application.

Cllr Simpson observed that the written evidence on page 4 from Mr Powderly provides some evidence. Weight attributed to recollections must be limited due to the

fallibility of our memories. Considered that it should be put in a proper court of law.

The Head of Regulatory Services advised that the documentary evidence is also a recollection.

The Solicitor to the Council advised Members that the evidence written closer to the time should be given more weight, the further away in time the less weight.

Cllr Cumbers commented that if the developer wishes to develop land, they are free to apply. Memory should not be dismissed, sometimes things can be clearly remembered even if many years previous.

**Cllr Holmes moved refusal of the application** and commented Mr Powderly's letter is only his recollection, it is equal to others who recall the position in different terms.

**Cllr Botterill seconded refusal.**

A vote was taken : 4 votes in favour of the motion to refuse, 3 against and 1 abstention.

**DETERMINATION: REFUSED for the following reason:**

**It is considered, on the balance of probability, that the evidence submitted fails to demonstrate that the development comprising the use of the land as a recreational caravan site, approved under planning permission 72/1880/19, lawfully commenced within the terms of the planning permission.**

#### D89. URGENT BUSINESS

The Chair invited then Head of Regulatory Services to explain an issue in relation to the forthcoming meeting of the Governance Committee. The Head of Regulatory services explained that there is a growing need to adjust the scheme of delegation in view of the prominence of the NPPF in planning decisions and the age of the 1999 Local Plan and sought the agreement of the Committee to proposed amendments of this nature through Governance Committee.

**The Committee agreed unanimously to this suggestion, noting that there will be opportunity to review the full content and the subsequent stages (both Governance Committee and Full Council).**

The meeting commenced at 6.00 pm and closed at 8.25 pm