



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

4 June 2015

PRESENT:

J Illingworth (Chair), J Simpson (Vice Chair), P Baguley,
G Botterill, P Chandler, P Cumbers, P Faulkner, M Glancy,
E Holmes, J Wyatt

As Substitute

Councillor Higgins for Councillor Hurrell

Solicitor to the Council (HG),
Regulatory Services Manager (PR), Applications and Advice Manager (JW)
Planning Officer (DK), Administrative Assistant (KS)

D1. APOLOGIES FOR ABSENCE

Cllr Hurrell

D2. DECLARATIONS OF INTEREST

Cllr Glancy declared an interest in application 14/00811/FUL, having objected to the proposal prior to becoming a Councillor.

D3. MINUTES

Minutes of the meeting 23 April 2015

Cllr Chandler wished for the line with the strike through on page 336 to be removed.

Approval of the Minutes was proposed by Cllr Chandler and seconded by Cllr Holmes. 6 Members voted that the Chair sign them as a true record. 5 abstained due to not being present at the previous meeting.

D4. SCHEDULE OF APPLICATIONS

(1) Reference: **14/00811/FUL**
Applicant: **Mr Franco Criscuolo**
Location: **Field Numbers 3675 1377 And 9383, Melton Spinney Road, Thorpe Arnold**
Proposal: **Wind turbine (maximum height to blade tip 47.05 metres) and associated infrastructure including access track, compact substation with underground cables and crane hardstanding area.**

Cllr Glancy left the meeting at 6.05pm

The Regulatory Services Manager stated that:

Updates – Request from County Councillor (Cllr Rhodes) that permission be refused
One further representation from a local resident reiterating matters already raised by other objectors

Explained that the main issues were:

- Impact upon the character of the countryside and the cumulative landscape and visual impacts with other turbine developments
- Impact upon residential amenities
- Sustainable development

Explained the location and appearance of the proposal and referred to Landscape Capacity study. Used plans to illustrate that impact of development significantly less than refused scheme at Hindles Farm, as that was a larger turbine in a more prominent location.

Identified neighbours, including Twin Lakes and likely impact.

Explained NPPF and weight to be given to sustainable development.

Emphasised that committee report contained much technical and other details which needed to be considered. Ran through report highlighting main issues.

The Chair asked Members if they would suspend standing orders to allow the husband of the registered speaker opposing the turbine to speak on her behalf, and to allow a second speaker. Cllr Chandler proposed that this should be allowed and Cllr Holmes seconded.

(a) Richard Heerbeck, an objector, was invited to speak and stated that:

- Unacceptable height
- Negative impact on landscape
- Negative impact on economy and tourism
- Detrimental effect on children
- Commercial gain affecting businesses

Cllr Cumbers stated that there was no evidence to suggest turbines had an effect on disabled children.

Mr Heerbeck stated that there had been correspondence in the press about the impact in children's health.

Phil Bendle from Twinlakes Theme Park, an objector, was invited to speak and stated that:

- No research suggests that a turbine would not impact tourist attractions
- Large amount of money spent on landscaping Twinlakes as visitors expect an attractive landscape.
- Negative impact on landscape
- Negative impact on children

Cllr Cumbers stated that it was only an assumption turbines impact on health. She suggested that the turbine is perhaps an attraction in itself.

Cllr Chandler asked if Twinlakes owned the land to the west of the site.

Mr Bendle stated that the Twinlakes boundary runs alongside the boundary of the proposed site, so the turbine will be less than 100m away from some of the tourist attractions.

Cllr Chandler asked where the National Grid pipeline was located.

The Regulatory Services Manager stated that the location of the pipeline was approximately south west of the turbine, between Twinlakes and the turbine. He stated that there was no objection from National Grid in regard to this. He stated that the turbine falls within the low to medium category as the height stands at 47.5m.

Cllr Holmes proposed to refuse the application as she felt the turbine would not be situated in the right place and would have a detrimental impact on the landscape. She was concerned about the gas pipeline as if this broke it would be very dangerous.

Cllr Simpson seconded the proposal to refuse.

Cllr Baguley asked how deep and wide the gas pipeline was, and how far away it was situated from the turbine.

The Regulatory Services Manager stated that the details of the pipeline were in the report on page 11. National Grid had been consulted and required that the height of the rota must be 1.5 times the distance from the pipeline.

Cllr Holmes stated that the turbine would hinder the views and impact on a major attraction. She was concerned about the possibility of a blade falling off so close to a place where children are.

Cllr Simpson stated there was visual harm from the height of the structure and the movement from the blades. She stated that the benefits of electricity does not outweigh the harm.

Cllr Higgins stated that in terms of the turbine having an impact on the health of autistic children, the change in light would affect individuals and cause distress.

Cllr Cumbers stated that there is no real research into the impact on autistic children.

Cllr Simpson stated that there is no research programme but there is evidence that autistic children are affected by the spinning motion of the blades if they have sensitive senses.

Cllr Chandler was concerned with the current energy crisis as continued energy and gas is not cheap.

Cllr Botterill stated that Twinlakes was a welcome addition to the borough and it had been a successful business, however the turbine would cause problems for the theme park.

The Regulatory Services Manager set out the reasons for refusal which only related to impact upon landscape and the amenities of neighbours. He advised that there was insufficient evidence to refuse permission on grounds relating to either harm from rotor blades or adverse impact upon autistic children.

A vote was taken. 8 Members voted in favour of the proposal to refuse the application, 1 Member voted against the proposal to refuse. The Chair abstained. Cllr Cumbers wished for her vote against the proposal to refuse to be recorded.

DETERMINATION: That planning permission be refused for the following reasons:

1. Adverse impact upon landscape

2. Adverse impact upon residential amenity and those using Twin Lakes

Cllr Glancy returned to the meeting at 7.15pm

(2)	Reference:	15/00183/COU
	Applicant:	Mr N Gates – F A Gates And Son
	Location:	Gates Nurseries And Garden Centre, Somerby Road, Cold Overton
	Proposal:	Tarmac existing grass parking areas. Change of use to form new tarmac roadways and grass parking areas and associated landscaping.

(a) The Planning Officer stated that:

There have been a number of conditions omitted from page 10 which require to be added. These relate to the highways request for the disabled parking to be increased for 4 to 18 and conditions relating to archaeology requiring a suitable written scheme of investigation and implementation in accordance with the details. It is therefore requested that these conditions be added.

Since publication of the report comments have been received from the Lead Local flood Authority who has stated that they have no objection to the proposal subject to a condition to secure the design details and maintenance of the Sustainable Drainage Scheme.

It is therefore proposed to amend condition 5 (page 10) to that proposed by the LLFA.

The application seeks resurfacing of the existing overflow car park with tarmac and creation of a new overflow car park to accommodate the demand from visitors to the site. There will be no increase in retail floor space and the highways authority has no objection.

It is considered that there would not be a detrimental impact upon the character of the area due to the mature trees in the area nor would the residential amenities be unduly affected by the proposal.

The proposal is considered to accord with the NPPF in promoting and supporting economic development and the recommendation is one to approve as outline within the report with the changes to conditions as requested.

(b) Richard Bates, from the Parish Council, was invited to speak and stated that:

- Increase in traffic
- Exits used by traffic are unsatisfactory
- Increase in activity and noise from forklift trucks is nuisance to residents
- Footprint exceeds that of a village
- Cold Overton has become a retail outlet

Cllr Higgins asked for clarification on the footprint impact on the village.

Mr Bates stated that more parking is needed and if it is not provided, people will park in the village.

Cllr Holmes asked how close the nearest residents were to Gates' in regards to the noise nuisance from the forklift, and if the noise was being made in the day or night.

Mr Bates stated that the closest are across the road, but a councillor in Knossington has complained about the noise. He stated the noise was during the day.

The Chair advised that the noise made by the forklift is not relevant to this application but will be dealt with separately.

Maurice Fairhurst, on behalf of the applicant, was invited to speak, and stated that:

- Application is to extend the car park, not the retail space
- Popular rural business

- Overflow car park is well drained
- Well landscaped
- Only one objection, none from neighbouring residents
- Only 4 disabled spaces at present, plan to increase this to 18

Cllr Botterill asked if the noise on the forklifts can be silenced.

Mr Fairhurst stated that an Environmental Health protection act would need to be applied.

Cllr Higgins proposed to approve the application with the proposed noise condition for economic reasons, as the business provides employment and compliments other independent businesses. He stated that he does not wish to see inconsiderate parking.

Cllr Chandler seconded the proposal to approve as it is a successful business and a tourist attraction which creates a lot of trade.

Cllr Holmes asked if the proposed hedge was necessary.

The Planning Officer stated that was for Members to decide.

Cllr Holmes proposed an amendment to remove the extra hedge as there is bunding already in place so the new hedge would not be necessary.

Cllr Botterill seconded the proposed amendment.

Cllr Simpson stated that the extra bunding would be complimentary to the tarmac. She did not support the amendment.

A vote was taken. 3 Members voted in favour of the proposed amendment. 8 Members voted against.

A second vote was taken. It was unanimously decided that the application was approved.

The meeting was adjourned for a short break at 7.30pm and reconvened at 7.35pm

DETERMINATION: That planning permission is granted as the recommendation, plus additional conditions reported at the meeting.

(3) **Reference:** 15/00208/COU
Applicant: Mrs S Duffin
Location: Covert Farm, Garthorpe Lane, Waltham On The Wolds
Proposal: Change of use from agricultural to residential annexe

including renovation works and formation of new agricultural shed.

(a) The Planning Officer stated that:

No updates to report.

The application seeks a change of use of a range of existing stone and brick agricultural buildings to be used as an annexe to Covert Farm house and for a new agricultural storage building. The building is of a considerable age and is considered to be a non-designated heritage asset under the NPPF and the conversion will secure the longevity of the building for future generations.

Recent changes to the planning system seek to bring forward disused agricultural buildings for residential use without the need to apply for formal planning permission this application proposes extension to the building which is why full planning permission is being applied for.

It is proposed to occupy the converted building as an annexe to the host dwelling which is not subject to any agricultural tie however given the countryside location the highways authority consider it necessary that it remains as ancillary accommodation and to not be sold or leased separately because of the unsustainable location.

The new agricultural storage building will be sited further to the southwest of the farm dwelling in an adjacent field. A stone track gives access from the entrance of the site to the proposed siting of the agricultural building which will sit against the field boundary hedge. It is considered necessary to restrict the use of the building to that for agriculture given it is sited in the open countryside to ensure the use remains compatible with the surrounds. On balance it is considered that securing the longevity of a non- designated heritage asset which in turns enhances the countryside location attracts weight and subject to the conditions restricting the occupation and removal of permitted development rights the application is recommended for approval as outlined within the report.

Cllr Botterill proposed to approve the application as it was an ideal proposal to help the business.

Cllr Holmes seconded the proposal to approve as it would harmonise with locality.

Cllr Chandler asked if the holding is a working farm and how big it is. She stated that it was in an unsustainable location and asked why the proposal was permissible in this location.

The Planning Officer stated that the building does not require agricultural use as it will be tied to the farmhouse. The application is for an annexe, not a new dwelling.

Cllr Cumbers stated that it was appealing because an ancient building will be brought back into use.

Cllr Higgins was concerned as it would encourage people to live and park there.

A vote was taken. 10 Members voted to approve the application. 1 Member voted against the proposal to approve. Cllr Chandler wished for her vote against the

proposal to approve to be recorded.

DETERMINATION: That planning permission is granted as the recommendation

(4) **Reference:** 15/00166/FUL
 Applicant: Mr S Knott
 Location: Japonica Cottage, 17 Main Street, Saxelby
 Proposal: Transportable log dwelling

(a) The Planning Officer stated that:

No updates to the report.

The application seeks planning permission for the erection of a single storey log dwelling in an unsustainable village location on designated Protected Open Space within the village of Saxelby. Saxelby is not considered to be a sustainable village and housing development and is not therefore supported unless the sustainability of the village was to be improved.

The application site is currently in use by the occupiers of the cottage as a parking area and amenity land which has been landscaped and contains garden type structures. There are a lot of mature trees on the site and due to the topography of the area the land has two levels. It is proposed to site a log cabin on the lower land level to reduce prominence and requires part of the existing front hedge to be removed in order to modify the access to allow for parking.

The log cabin would be occupied by the applicant who wishes to move closer to elderly parents who own Japonica Cottage, to offer support and care and gives them an opportunity for homeownership.

The social argument put forward by the applicant is not, on its own, considered as sufficient reason to grant consent contrary to the local plan and the NPPF due to the unsustainable location and impact upon the protected open area status and accordingly the application is recommended for refusal as set out within the report.

Cllr Chandler proposed to refuse the application as protected open areas are valued by Parish Councils and are not to be developed. She stated that Saxelby is not a sustainable location.

Cllr Baguley seconded the proposal for the reasons given.

Cllr Botterill agreed and stated that the open area is beautiful and cannot be destroyed.

Cllr Higgins stated that he agreed as the site is an attractive landscape with

biodiversity, and is a protected open space.

A vote was taken. It was unanimously decided the application should be refused.

DETERMINATION: That planning permission is refused as the recommendation

(5) **Reference:** 15/00154/FUL
Applicant: Mr S Mann – Marstons
Location: Nags Head Inn, 20 Main Street, Harby
Proposal: Alterations to beer garden with the addition of pathways, feature external dining areas, additional bench seating with feature planter boxes.

(a) The Applications and Advice Manager stated that:

This application seeks planning permission to alter the beer garden to the south of the Public House with pathways, external dining areas, screens and illumination. A gazebo is also proposed along with landscaping and boundary treatments. The public house is a grade II* Listed building and the site is currently used as a beer garden. The site lies within the village envelope for Harby and is situated off Main Street.

Since publication of the report comments have been received from the Ward Councillor Cllr Rhodes who wishes for his comments to be presented to committee. Cllr Rhodes states;

"I am happy to support the recommendation to permit this application with the addition of a condition to ensure that the height of the boundary hedge with Main Street is not reduced below 2 metres measured from inside the garden. In this respect I agree with the comments of the Parish Council and local residents who live opposite the Nags Head."

In response to this there is currently a condition proposed for details to be submitted of the minimum height of the hedge prior to commencement of development (page 5 of the report condition 3). If Members are concerned over the minimum height of the hedge then the wording of this condition can be amended.

The application proposes alterations to the beer garden including new structures and changes to boundary treatments. It is considered that the proposal is visually acceptable, would not unduly harm neighbouring properties and would not be harmful to the designated heritage asset. Accordingly the recommendation is for approval as set out in the report.

Cllr Baguley proposed to approve the application with the added condition of altered hedge height. She stated that some fencing needed to be placed around the car park to reduce noise.

The Chair suggested that the wording of Condition 3C could be changed to specify a hedge height of 2m measured from the inside.

Cllr Cumbers seconded the proposal with the added wording.

Cllr Chandler was concerned that the solid fence was not appropriate where children were playing as they are always supposed to be seen.

The Applications and Advice Manager stated that new details would have to be submitted in terms of cladding. The height of the hedge could be changed to 2m. She stated that powers could be delegated to Officers in regards to the boundary changing.

Cllr Chandler proposed for the boundary to be changes to be delegated to Officers.

A vote was taken. It was unanimously decided the application should be approved and the changes to the boundary would be determined by Officers.

The Applications and Advice Manager advised that if the applicants were not in agreement the application would be brought back to Committee.

DETERMINATION: Delegated to officers to approve subject to submission of details of fences and changes to condition 3 (hedge to be retained at 2m high)

(6) **Reference:** 15/00212/FULHH
 Applicant: Mr J Klimis
 Location: 31 Beechwood Avenue Melton Mowbray
 Proposal: Two storey extension to existing dwelling

(a) The Planning Officer stated that:

No updates

The application seeks planning permission for extensions to an existing detached property to create an eight bedroom dwelling to allow two families to live together for care support.

The property occupies a spacious plot on Beechwood Avenue which lies within an established residential area. The street has a strong linear and open character with the dwellings set well back from the road benefiting from large front amenity space and parking areas.

Whilst the dwelling will become a very large dwelling the design respects the existing building line and is capable of not having a detrimental impact upon the existing residential properties. Many of the existing dwellings have been modified and extended and it is considered that the design still retains the features evident in the area such as the gable frontage and adds to the range of styles in the area. Concerns have been raised by objectors in regards to the future use of the site however any use other than residential would require the benefit of planning

permission and would be considered upon its own merits and could not form the basis for refusing the application.

There have been no objections from the highways authority and the site is capable of accommodating sufficient parking within the site however on street parking is not seen as an issue in the location. Accordingly the application whilst introducing a large dwelling is considered to comply with the relevant local plan policies and is therefore recommended for approval as outlined within the report.

(b) John Bailey, an objector, was invited to speak and stated that:

- Adverse impact
- Overbearing and out of keeping
- Negative effect on neighbours amenities
- Loss of natural light as extension faces window
- Insufficient parking

Cllr Higgins wanted clarification on where the neighbour's window was.

Mr Bailey stated that it was on the ground floor, facing the extension.

The Regulatory Services Manager advised that Mr Bailey had requested for the Members to view the proposed site from his property, however the request had not been received in time. It was the Members' discretion to decide if they had seen sufficient or if another site visit was needed.

Joe Klimis, the applicant, was invited to speak and stated that:

- No intention to upset neighbours
- Extension needed due to unfortunate personal circumstances in order to support the family
- Local architect designed extension to be sympathetic to the street scene
- Extension set back from boundary
- Elevations designed to prevent any loss of light to neighbours

(d) Cllr Posnett, the Ward Councillor, was invited to speak and stated that:

- Impact on neighbours
- Mixture of properties in size and height but nothing of this size
- Overintensification of dwelling
- Contrary to policies OS2 and BE1

Cllr Chandler proposed that the application should be deferred to visit No. 29 to see the impact the extension may have.

Cllr Botterill seconded the proposal to defer.

A vote was taken and it was unanimously agreed that the application should be deferred.

DETERMINATION: Deferred determining the application until Members have revisited the site, particularly the neighbouring property, 29 Beechwood Avenue

(7) **Reference:** **15/00234/FULHH**
 Applicant: **Mr A Beale**
 Location: **Rose Cottage, 9 Main Street, Pickwell**
 Proposal: **Garden playhouse**

(a) The Advice and Applications Manager stated that:

This application seeks retrospective planning permission for a garden playhouse within the rear garden of 9 Main Street, Pickwell. The property lies within the Conservation Area and village envelope for Pickwell.

Since publication of the report a further letter has been received requesting that sympathetic planting to screen the Wendy house is required so it is not able to overlook neighbouring properties. They are concerned that a fence will only deteriorate in time yet a considered planting scheme will restore the natural balance for neighbouring properties and ensure they are not overlooked.

Neighbouring properties were able to have an uninterrupted view of the horse chestnut avenue - now they have a Wendy house that overlooks their properties and request that consideration of neighbours take priority.

The playhouse is a small structure located to the rear of the host property. During the application an amended plan was submitted showing a 1.8 metre high fence to screen the playhouse from neighbouring properties to the east for a length of 11 metres. If there is concern over the proposed boundary treatment and the visual impact on adjoining properties Members are advised that it may be more acceptable to require soft landscaping and an approved landscaping scheme or the removal of the proposed fence.

The playhouse is considered to be a small structure within the rear garden and it is not considered that it would have a detrimental impact on adjoining properties or have an adverse impact on the character of the area. Therefore the application is recommended for approval as set out in the report.

Cllr Pat Fynn, from the Parish Council, was invited to speak and stated that:

- Eyesore on the landscape
- Inappropriate in a conservation area
- Not in keeping with the character of the area
- Adverse effect
- Contrary to Policy BE1

Cllr Botterill stated that the hedge growing out will cover the playhouse.

Nicola Fowler, an objector was invited to speak and stated that:

- Negative impact on conservation area and Grade 1 listed building
- Out of character of area
- Will not be screened properly as foliage is not all year round
- Detrimental effect
- Contrary to Policies OS1 and BE1

Cllr Glancy asked if there were windows on the playhouse.

Ms Fowler stated that the playhouse windows look directly into a neighbouring property's bedroom window.

Cllr Higgins stated that the proposal will have a significant impact on the conservation area of Pickwell as there is a contrast of design.

Cllr Cumbers asked for clarification on how far the playhouse would need to be from the boundary to be within permitted development rights.

The Applications and Advice Manager stated that the playhouse would need to move 0.6m to be within permitted development rights. She stated that in terms of the design, it only had to be sympathetic to the conservation area, not the same.

Cllr Holmes proposed to refuse the application on the grounds that it is obtrusive, out of keeping with the area and is not an appropriate size for the area.

Cllr Simpson seconded the proposal to refuse.

Cllr Baguley was concerned that if the proposal was refused, the playhouse could be moved and still be visible.

The Applications and Advice Manager stated that if the application was refused it would be up to Planning Enforcement to have the structure removed or moved within permitted development rights.

Cllr Higgins suggested that the application was permitted with conditions of screening to protect the landscape.

A vote was taken. 4 Members were in favour of refusal of the application. 5 Members were against the proposal to refuse.

Cllr Baguley proposed to permit the application with the added condition of evergreen screening.

Cllr Faulkner seconded the proposal.

A vote was taken. 6 Members voted in favour of the proposal to approve. 3 Members voted against the proposal to approve. 2 Members abstained.

DETERMINATION: That planning permission is granted subject to the

provision of evergreen landscaping on the boundary, rather than the proposed new fence.

D5. URGENT BUSINESS

None

EXCLUSION OF THE PUBLIC

RECOMMENDED that the Public be excluded during the consideration of the following items of business in accordance with Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information : Exempt Information) under paragraph 3

14/00065/COU: CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL GYPSY CARAVAN SITE: FIELD OS 3076, GOADBY ROAD, WALTHAM ON THE WOLDS

DETERMINATION : That the report is deferred and considered at a special committee meeting where it is the only item on the agenda. On a date to be confirmed.

The meeting commenced at 6.00 pm and closed at 9.15pm