



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

15 March 2012

PRESENT:

P. Cumbers (Chair), P. Baguley, G.E. Botterill
J. Douglas, M. Gordon, E Holmes, J Illingworth
T. Moncrieff, J Moulding and J Simpson.

Observing Cllr J Orson

Head of Regulatory Services, Applications and Advice Manager (JW)
Solicitor to the Council (SK), Policy Managerer (DP)
Administrative Assistant (JB)

D75. APOLOGIES FOR ABSENCE

Cllr P.M. Chandler

D76. MINUTES

a) D70 APOLOGIES FOR ABSENCE: Cllr Moncrieff asked that his name be amended to "T Moncrieff"

D73 : SCHEDULE OF APPLICATIONS

Page 2: The last sentence of the penultimate paragraph should have "previous uses of the site" deleted.

Page 9: The second sentence the Councillors name should read "Cllr Cumbers"

Page 9: The determination, fourth sentence should read "straw bales produced from the farm itself" and not hay bales.

Page 11: The fourth point should read "Some Cllrs agreed that the pods may not suit the site very well."

(b) subject to (a) above, the Minutes of the Meeting held on 23 February 2012 were proposed by Cllr Illingworth and seconded by Cllr Simpson. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D77. DECLARATIONS OF INTEREST

None

RESOLVED that the undermentioned applications be determined as follows and unless stated otherwise hereunder in the case of permissions subject to the conditions and for the reasons stated in the reports.

D78. SCHEDULE OF APPLICATIONS

- (1) **Reference: 11/00915/FUL**
Applicant: Mr & Mrs Barlow
Location: 2 Mere Rd, Waltham on the Wolds
Proposal: Demolition of existing outbuilding and erection of new dwelling.

(a) Applications and Advice Manager (JW) stated that:

This application seeks planning permission for the erection of a two bedroom bungalow within the village envelope for Waltham on the Wolds. The application was deferred from the previous committee to seek further information on the gas tank and highway concerns.

Since publication of the report a letter has been received stating that the County Council Highway have been approached and they have stated that the minimum size of car parking spaces are 5.5 metres long by 2.5 metres wide for each space, the plans show spaces significantly smaller. They also have to be 90 degrees to the building and not parallel as shown and Melton Borough Council should be adhering to the rules. If both spaces are to be at 90 degrees then the building would need to be moved further back into the plot and this is the main reason why planning permission was refused for the previous occupier, because it is out of keeping in the streetscene.

With regards to this, the Highway Authority to issue guidance on parking standards and the plan show two parking spaces for the existing property which when scaled comply with the minimum parking space size. The parking spaces for the proposed dwelling are over 2.5 metres wide and 5 metres in length. One parking space is angled in front of the property. As this issue was raised at the previous committee advice has been sought from the highway authority and this is detailed in the report on page 3. The highway authority agree that the proposed parking could be better it does meet the required level of parking. The second space which is angled would be

difficult to manoeuvre in and out of, however, the traffic flow on Mere Road is sufficiently low and visibility is good enough to prevent highway safety issues and could not substantiate a ground for refusal. There is no evidence to show that the proposed parking and access would be a danger to highway safety.

The previous application was refused due to the impact on the streetscene as they introduced an incongruous feature out of character with the locality and not because of highway safety issues.

The application was deferred to obtain more information on the gas tank. This is detailed in the report on page 5. No gas tank is proposed as part of the application. The applicant has confirmed that if a gas tank is used it will be under the lawn area at the side of the new bungalow and the installers have confirmed that the area is large enough for this purpose. The tank is refilled once or twice a year of approximately 10-15 minutes. A gas tank may require planning permission unless it is permitted development. However, it should be noted that the location of a gas tank does not form part of this application and the safety element would be controlled under separate legislation. The applicant could choose an alternative heating method.

The application site lies within the village envelope of Waltham on the Wolds and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of PPS3 in terms of sustainability and housing need. The proposed development is considered to be acceptable in terms of its design and appearance, parking and access arrangements and to have no significant adverse impact upon the amenities of neighbouring properties. Accordingly the application is recommended for approval as set out in the report.

(b) Cllr Marks, Chair of the Parish Council, was invited to speak and stated that:

- the practicability of the design is questionable
- the space between the proposed dwelling and 2 Mere Road is too narrow to allow for maintenance of either property
- the bins may be left at the front of the house as the path is very narrow to the bin store, this will impact on the parking area to the front
- should it take only 15 minutes to fill a gas tank then the Parish Council would have no objection to that
- developing the site will adversely impact the character of the corner and the hard landscaping of the driveways remove the green frontage
- there are plenty of other small dwellings in the area and there is no need for this one especially as it is currently a 'green-field' site.

(c) Mrs Barlow, the applicant, was invited to speak and stated that:

- details of a possible gas tank design have been given to the Planning Officer and it is recognised that tanks placed underground are safer than those on the surface
- the Highways department have agreed the off street parking and access

- the 2 bedroomed bungalow meets a local need
- the siting of the bungalow on the site keeps the corner of the site open and the design mimics the existing character of the street
- concerns raised previously about the outhouse that is to be demolished cannot be justified as this part 2 Mere Road is not a habitable area and could be demolished without planning consent
- bin movement from the storage area to the rear is acceptable with sufficient space between dwellings for the purpose.

Cllr Holmes, Ward Councillor for the area, sympathised with Mr Hallam (an objector who could not attend the meeting) who had noted that the parking guidance offered by the Highways department was not being followed in this application.

The Applications and Advice Manager replied that the Highways department acknowledged that the parking arrangements could be better but consider that on this occasion the parking will be acceptable.

Cllr Holmes stated that she believed that there was no necessity for this application as there are plenty of other 2 bedroomed bungalows in the area or in the process of development.

The Policy Manager replied that there is evidence of need for more 2 and 3 bedroomed dwellings in Waltham and that current development will only meet part of the longer term need expected.

Cllr Holmes noted concerns about traffic congestion and that the application has a bigger footprint than the previously refused application. She asked that Permitted Development Rights be restricted on this site should approval be given to stop further intensification of the plot.

Cllr Simpson enquired as to the proposed parking arrangement of 2 Mere Road and if they would impact the congestion on the road.

The Applications and Advice Manager replied that the refused application had a footprint of 60m² compared to this application of 70m², she went on to confirm that the application seeks to build 2 off road parking spaces for number 2 Mere Road that should help alleviate some congestion currently experienced.

Cllr Botterill stated that he had visited the site and found the road to be extremely busy. He was concerned that the proposal would make parking more difficult.

The Applications and Advice Manager referred to the Highways department consultation reply regarding parking and access.

Cllr Illingworth noted that this proposal would take vehicles from the street and **proposed approval of the application.**

Cllr Gordon **seconded the proposal of approval.**

Cllr Simpson noted that the proposed bungalow was not large, was sympathetic with the streetscene and offered off street parking.

Cllr Holmes stated that the Planning Inspector had previously upheld a refusal to develop the site and believed that there were valid grounds for not building.

Cllr Illingworth noted that the previously refused application was for a pair of semi-detached houses that would have been incongruous with the streetscene unlike the application before them.

Cllr Holmes **proposed refusal** for the same reasons as the previous refusal.

Cllr Botterill **seconded the proposal to refuse.**

A vote was taken: 7 in favour of approval, 3 against.

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

The proposal relates to the erection of a single dwelling on a site which lies within the village envelope for Waltham on the Wolds. As such, 'saved' policies OS1, BE1 and H6 of the adopted Melton Local Plan are applicable. Policies OS1 and BE1 allow for such development subject to criteria including the design and appearance being in keeping with the locality, adequate access and parking arrangements being available and no adverse impact upon the amenities of neighbouring properties. Policy H6 allows for limited residential development within villages, including single plots. The proposal is considered to accord with the above stated policies and no other factors are present to indicate that the decision should depart from the terms of the Development Plan.

D79. OTHER MATTERS - PROVISIONAL TREE PRESERVATION ORDERS:

(1) 11/00837/TCA: THE FERNS, 63 - 65 HIGH STREET BOTTESFORD

(a) Applications and Advice Manager (JW) stated that:

Notification to undertake the felling of an Oak tree within the grounds of 63-65 High Street, Bottesford was submitted to the Council in October 2011 and a Tree Preservation Order was placed on the tree on 8th December 2011. This Tree Preservation Order is currently a Provisional Order and this Council have a period of six months to confirm it unaltered, modify or revoke it. Therefore the Council has until

8th June 2012 to reach a decision.

The purpose of this report is to inform the Committee that since issuing the TPO a letter of representation has been received objecting to the order. The Committee is therefore invited to determine whether or not to confirm the Provisional Tree Preservation Order.

The objection is on the grounds that the tree does not contribute to the streetscene or the area due to the proximity to 63 High Street and a number of other trees in the vicinity.

The DETR's Guide to law and Good practice states that The Local Planning Authorities' main consideration should be to assess the amenity value of the tree. Special attention must be paid to the desirability of preserving the character or appearance of the Conservation Area. Responses to any publicity should also be considered.

As set out in the report the tree is considered to be in good health and has amenity value therefore it is recommended that the Tree Preservation Order be confirmed.

Cllr Illingworth **proposed confirmation of the TPO.**

Cllr Baguley **seconded the proposal to confirm.**

Cllr Gordon stated concerns about the size of the tree and the possible damage to the neighbouring buildings.

The Applications and Advice Manager replied that works could be carried out on the tree in the future after permission is sought.

Councillors were concerned about the Ivy growing on the tree and its possible impact on it.

The Applications and Advice Manager stated that a condition to remove the Ivy could not be placed on the TPO however a letter could be sent advising the owner of the Members concerns.

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

DETERMINATION:

- (a) That the Tree Preservation Order be confirmed as issued.
 - (b) That the owner be asked to remove the ivy growing up the tree, to prevent it from threatening the tree's health in future.
-

(2) 11/00683/TCA: MANOR BARN, 37 MAIN STREET, HOLWELL

The Chair stated that there was a request to suspend speaking restrictions to allow a request to speak from Cllr Orson (Ward Councillor).

Cllr Moncrieff proposed approval of the suspension. Cllr Botterill seconded the proposal.

On being put to the vote the proposal was approved unanimously, accordingly standing orders were suspended

(a) Applications and Advice Manager (JW) stated that:

Notification to undertake the felling of 2 sycamore trees within the grounds of 37 Main Street, Holwell was submitted to the Council in September 2011 and a Tree Preservation Order was placed on the tree on 20th October 2011. As with the previous application the Council has until 20th April 2012 to reach a decision.

Since issuing this TPO a letter of objection to the order has been received and the Committee is therefore invited to determine whether or not to confirm the Provisional Tree Preservation Order.

The objection is on the grounds that the tree does the size of the trees are a concern in gale conditions, the saplings have to be destroyed by spraying which is not good for wildlife and the trees are beginning to dwarf the other trees and plants.

As set out in the report these tree are considered to be in good health and have amenity value therefore it is recommended that the Tree Preservation Order be confirmed.

(b) Cllr Orson, Ward Councillor, was invited to speak and stated that:

- Sycamore is an unsuitable species for the site and not rich in insect habitat as a species.
- the saplings from Sycamore trees are a nuisance
- the species is a large one and should be only allowed to grow in certain settings.

Cllr Botterill agreed with Cllr Orson's comments and **proposed to decline to confirm the TPO.**

Cllr Holmes agreed and **seconded the proposal to decline the confirmation.** She wished to add that other trees should be planted in the space left by the Sycamores.

The Applications and Advice Manager stated that conditions cannot be placed on the decision.

The Chair asked that a letter of advice could be sent regarding the addition of more suitable trees.

A vote was taken: 9 in favour of declining the confirmation of the TPO , 1 against.

DETERMINATION:

- (a) The Tree Preservation Order was not confirmed.
- (b) The owner is requested to plant a replacement tree of a native species.

D80. URGENT BUSINESS

There was no urgent business.

The meeting commenced at 6:15 p.m. and closed at 7:15 p.m.

Chairman