



MEETING OF THE
DEVELOPMENT COMMITTEE

BOARDROOM, MELTON MOWBRAY

16 June 2011

PRESENT:

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

Observer

B Rhodes, M Barnes

Head of Regulatory Services
Principal Planning Policy Officer, Applications and Advice Manager (JW)
Solicitor to the Council (VW)
Democracy Officer (DB), Administrative Assistant (JB)

D8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Wyatt

D9. MINUTES

(a) D4 : SCHEDULE OF APPLICATIONS

Cllr Moncrieff wished it to be added to the Minutes of 25 May 2011 that he questioned the Principal Planning Officer regarding the legal minimum separation distance. On reply that there was none, he stated the felt that 8 metres was too close and would constitute an unacceptable loss of amenity. Cllr Botterill and the Principle Planning Officer agreed that this had been the course of events.

(b) subject to (a) above the Minutes of the Meeting held on 25 May were approved and authorised to be signed by the Chairman.

D10. DECLARATIONS OF INTEREST

11/00263/VAC: Grimston Lodge Stud, 75 Main Street, Grimston

Cllr Botterill stated a personal and prejudicial interest in the above application.

The Chairman stated that standing orders would have to be suspended to allow everyone who had asked to speak. Cllr Moncrieff moved to suspend standing orders. Cllr Baguley seconded this proposal.

On being put to the vote, the motion to suspend standing orders was carried unanimously.

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.

D11. SCHEDULE OF APPLICATIONS

(1) Application : 11/00263/VAC

Applicant : Mr K. Hayward

**Location : Grimston Lodge Stud, 75 Main Street, Grimston,
LE14 3BZ**

**Proposal : Alteration of conditions 5 and 6 and deletion of
condition 10 to planning application
09/00928/FUL**

(a) The Principal Planning Officer (JW) stated that :-

This application seeks variations to conditions 5 and 6 and the deletion of condition 10 in relation to planning permission for the erection of 5 dwellings and 8 stables.

The application proposes the removal of condition 10 which restricted the use of the permitted stables for personal use and for no commercial use. The proposed variations to condition 5 and 6 relate to the access arrangements. Members will recall that this application was deferred from the previous committee to enable a site visit to be undertaken and for the officer to go back to the highway authority to establish why kerbstones are required.

Since publication of report there been 83 additional objections received to the application. 82 objections have been received in relation to the wording "unconstrained use" which have been applied to the request to restore

commercial use to the new 8 stables. They are also objecting to the proposed kerb stones which are considered;

- Unsightly, not in keeping with the character of the locality and destroy the rural streetscene
- Are not good for horse riders who tend to occupy more road when they move out into the road to avoid tripping over the kerbs
- Can encourage drivers to travel faster putting children at risk.

The developers and land owners have land available on the application side of the road to construct an access to satisfy the highway safety requirements without the need to take land at the other side of the road.

A further objection letter has been submitted expressing concern with regards to the wording in the original application which stated that the stables were for the personal and private use and were untrue. Concern with regards to the wording of 'unconstrained use' for the stables and that it should be limited to the 'care, breeding and training of horse' and not just to any loosely related commercial equine use, which could include feed distribution etc. With regards to the highway and the addition of kerbs, the PC have resisted kerbs on that side of the road and reiterates the concerns with regards to the kerbstones of the other 60 objections. Finally why should the village suffer because the two parties involved in the land cannot agree.

Further observations have been expressed in relation to the kerbstones and the access;

- The application reduces the activity on site from 36 stables and grooms accommodation to 8 stables and 5 new houses. Why does the condition 5 need to be changed when there is only one owner for the stables.
- The approved 4.25 metre access allows two cars to pass with ease
- The original 6 metre access splay was better than what condition 5 requires
- Grimston is a small village with restricted road width discouraging it to be used as a short cut and therefore there is little traffic through the village.
- Grimston is a Cat 3 village and therefore locally generated traffic will increase minimally
- With the hedgerow removed to the south east the visibility approaching from the Saxelbye direction is clear all along the access road not just at the point of access
- With the hedges reduced in height there is good visibility. The original access splay of 6 metre and 4.25m access road is fully adequate and if a large vehicle needed to use it wouldn't cause a hold up to the minimal traffic movement in the village.
- The width of this minor road is 5.7 metres which is the same width as the road passing Vale View equestrian centre with its much greater and faster traffic flow and yet there are no kerbs on the opposite side of the road here, why are they necessary for Grimston. Neither are there any at Riverside Stables just north of Asfordby with their 60 stables.

- The only other raised kerb on the south east approach is at the point where the bus passengers get on and off or where they are to protect a footpath.
- Kerbing encourages drivers to go faster and this is not to be encouraged with many young children in the village.
- All the green road verges in Grismton and Saxelbye have been marked up as important green space as part of the Melton West Community Forum as they are considered to be important to walkers and especially horse riders. Horse riders do not like kerbs and by avoiding the risk of tripping take up more road space. It is considered that the original access design is adequate for this application and the kerbs are not necessary.

The Parish Council have also submitted further comment stating that they are firmly opposed to the installation of kerbstones opposite the junction and would not wish for the existing lawful commercial equine use of the stud to be compromised in any way. They feel that there is an alternative to the proposed application which would not require kerbstones opposite and that Condition 10 should be viewed differently. The Parish feel that the proposed application should be refused but would support a new application which includes the revised opinion of highways. If the application were approved Grimston would be left with a streetscene it does not want or need and there is an adequate, cheaper, simpler alternative road/junction scheme available which meets all highways requirements.

In response to the issue over unrestricted commercial use, the application is proposing a stable block which does not have an unrestricted commercial use and can only be used for the stabling of horses. Any other use from this site will require planning permission. The reference in the report is in relation to the change from private domestic stabling, as approved, and the proposed variation to 'commercial stabling'. However, if there is some concern over the type of activity taking place from the stable then a condition can be imposed in order to control the use if this is considered necessary by the Committee.

With regards to the concern over the access and kerbstones; the highway authority have confirmed that the kerb and road widening shown on the submitted drawing were at their request to improve the existing access. The HA have also confirmed that the provision of kerbing will have no effect on how they view any possible future applications. It is not intended to widen Main Street, in order to provide the required improvements to the visibility splay the kerb line on the application site has been moved out and to maintain the 'average' width of main street through the junction the corresponding kerb line opposite has been realigned. At the access to Main Street will be narrower than it is now. With regards to the referenced to the hedge, whilst shown on the plan as being removed this is not in the control of the applicant and without the improvements to the access visibility would be restricted to an unacceptable level. The access is required to be widened as for a commercial stable there is a greater likelihood of more visitors and horses moving to and from the site. To ensure that the drive can cater for this increased traffic as well as the new residential traffic the highway authority require the access

widened, with increase radii and visibility splays. Kerbs are required in this location due to the opposite side of the carriageway being in close proximity to a ditch. If the ditch were not there and there was just a wide verge then kerbing would not be necessary. If the concern is a length of pre-cast concrete kerbs impacting on the streetscene is a concern then it could be conditioned that the developer provides countryside kerbing or some other more sympathetic material, however ,highways would require a commuted sum to cover the future maintenance of the non-standard kerbing. With regards to the increase in speed the highway authorities view is that the provision of a physical feature, ie kerbing, would reduce speed.

Correspondence has also drawn reference to the time period proposed to be granted in the report to a further three years. Planning permission was granted in March 2010 with a three year consent. Condition 1 in affect grants a further 3 years. If considered unacceptable the condition can be alter to give the same time frame as the existing consent.

Since the publication of the report correspondence from a solicitor acting on behalf of the Felgate family who have lived at and operated the Grimston Lodge Stud for many decades. The letter expresses concern with the following. The Felgates remain the freehold owners for the stable building and indoor manege as well as fields and farmland to the rear of the land to which the applicant has permission to redevelop. The applicant is contractually obliged to build 8 stables for their client for their daughter's livelihood. Not for the new dwellings as the previous application stated. The Council therefore wrongly imposed condition 10 restricting the use. Deletion of condition 10 would to some extent remove some of their clients concerns. There is now concern that the application does not state that the stable will be used solely for the Felgate Family for their equine business. The Felgates have not expressed that they either had or expressed any intention to stop or reduce their commercial equine use of the land the new access arrangements are required by the County Council as they will not accept the current access arrangement and the 5 new houses. With regards to the comments on Environmental Health the Council has no right to restrict their client lawful and established use through planning condition in relation to disposal of manure. It is desperately important that the Felgate Family continue to use their land as it always has been used with horses being transported to and from the site in large lorries, manure and other waste material building up and members of the family/staff/vet having to arrive and park at all hours or the day and night.

In response to this; the original application applied for the stables in connection with the proposed dwellings and formed the baseline for the consideration of the current application. The planning permission may not replicate the private agreement between the applicant and land owner as it is not a matter over which planning authorities can adjudicate. The Council is not wrong to have imposed Condition 10 as it was considered both necessary and justified based on the legitimate planning objectives of road safety and residential amenity. The planning authority is only concerned with the use of the property only and this does not extend to specifying the identity of the future occupants, the end user of the premises is not a concern to the local

authority provided that it complies with the planning permission. Matters of land ownership, transfer and tenancy are private legal matters. With regards to any conditions the stables are the subject of planning permission and are new in respect that they vary from their predecessors in their position and proximity to residential property and as such are not part of the established use on the site. Section 72 of the Act empower Planning Authorities to impose conditions as it sees fit and it is considered that the condition in relation to the dispose of manure is necessary for planning purposes as the development is in close proximity to residential properties. None of the condition suggested limit the commercial activity outside of the red lined application site. Correspondence has been received from the agent this morning stating with regards to the waste disposal condition, the land to which the stables are to be built are not controlled by the applicant and has suggested that the condition reads;

‘Before the stables are first bought into use details for the storage and disposal of manure and waste arising from the stables shall be submitted to and approved in writing by the Local planning Authority’.

The main issues with regards to this application is the impact of commercial stables, additional traffic and the visual changes to the highway.

The condition restricting the commercial use of the stables was originally imposed for highway safety reasons. The application is now proposing improvements to the highway to cater for the residential traffic and commercial use of the stables. From a highway safety aspect the proposed alterations are considered to be acceptable. The variations to condition 5 & 6 are proposed to reflect the alterations required to the access. Concern has been expressed with regards to the alterations to the highway and the impact this would have on a rural village visually and in terms of highway safety. The highway authority are satisfied with regards to highway safety and a judgment is required with regards to the visual impact of the highway alterations. The proposal involves the use of kerbstones which are not considered to be detrimental to the appearance of the village and the ‘widening’ is opposite the access point, however, the street is to be narrowed next to the access and as a net result the main street is no wider than it is at present. The stud was previously a commercial stud and the change is not considered to impact on the village. The changes to the visual appearance of the highway is considered to be minimal and would not adversely impact on the streetscene.

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

(b) Mr Robb was invited to speak on the application and stated that :-

- the Felgates are determined to continue stud activities
- summarised the history of the conveyance between applicant and Felgates and also the subsequent problems between the two
- worried about conditions imposed on the application regarding the issue of waste from site, however advised that they could ‘live with it’ in its revised form.

(c) Mr Cowdell was invited to speak on the application and stated that :-

- he was representing a large number of local residents
- described the village as beautiful and quiet
- they had concern about the term 'unconstrained use' and the kerbstones suggested
- the kerbstones would be out of keeping with the village
- noted that 90% of the villagers were opposed to the variation of condition
- it was difficult not to be suspicious of the possible future uses from the commercial use of the land
- changing the access arrangements would be preferential as then kerbstones would not be needed, could the council condition an alternative access rather than the this one to avoid necessity of kerbstones
- urges rejection and promotes a change to the application to alter the access

(d) Mrs L. Smith, representing the Parish Council, was invited to speak on the application and stated that :-

- the Parish Council have been made aware of the significant numbers of residents who are concerned
- clarified the concerns regarding the kerbstones, to which the Parish Council are firmly opposed due to the impact on the rural setting and disagrees with the planning officers on this point
- do not wish to compromise the equine use if the stud
- the Parish Council are interested in the suggestion that the access could be changed to simplify the junction and would urge common sense to maintain highway safety
- urged refusal but would like to see a new application with new access

The Chair asked Mr Emery if his client would wish to resubmit his application to reflect the proposals made at the site meeting from Highways. Mr Emery said that without written confirmation of these proposals his applicant would like to see a resolution to the application that evening.

(e) Mr M. Emery, representing the applicant, was invited to speak on the application and stated that :-

- reminded the committee that there were no objections to the original application for housing and stables
- that PPS4 promotes use of land as proposed
- stated that there is nothing untoward about the 'commercial' condition for equine use

- the kerbstones are needed for safety reasons as required by the Highways department and could be made to be as unimposing as possible
- noted that this part of the village is not part of the conservation area and this amount of kerbing is not sufficient to warrant a refusal and as such could not be defended in an appeal
- Mr Emery suggested another condition regarding the disposal of waste

The Chair asked the council's solicitor if information received that day at the site meeting from the Highways officer could be taken into consideration. The reply was that oral evidence during the day cannot be given weight by the Committee.

The Applications and Advice Manager (JW)

- offered to repeat and clarify the condition regarding manure to Mr Robb.
- clarified that the Council could not condition a access proposal that was not the application under question and can only consider the application put before them
- reiterated that the Council have to condition the whole of the land and that ownership of the site is not a council matter

The Applications and Advice Manager went on to say that this application was about two issues: that is, the altering of the status of the stable block from 'domestic use' to 'commercial use' and if that was agreed then the changes to the access for safety reasons would need to be agreed.

The Head of Regulatory Services clarified that the term 'unconstrained use' as regards to this application means that the use is restricted to 'unconstrained' whilst in stable use and that any change from the use of stables would require another planning application. Equine use could be further stipulated in a condition if necessary. The Head of Regulatory Services urged the Council to use their own judgement in the decision using the evidence of the site visit and debate. Cllr Simpson asked for clarification as to position of the stables and ownership.

The Applications and Advice Manager pointed out the position on the site plan and clarified that the ownership of the land was not a planning issue.

Cllr Moncrieff stated that he would be happy for the change of use from domestic to commercial and that a condition to restrict use to equine would be welcomed.

Cllr Illingworth asked for clarification of the term 'unconstrained' for a stable.

The Applications and Advice Manager replied that although the word is unconstrained the use is limited to that of stabling horses in this case and could not be changed with out a planning application.

Cllr Illingworth asked if the stables had ever been out of continuous use.

The Applications and Advice Manager said that the documentation provided in the application states that the stables have been in continuous use.

Cllr Illingworth asked that if previously there had been 30 stables and now there were only 8 that this is a considerable reduction in use.

The Chair asked that the Councillors consider the reports and site visit and make a decision concerning the application that was in front of them.

Cllr Gordon agreed that the application for commercial use was an appropriate use of land and that she supported the application. She proposed to make the use commercial but make alterations to the other conditions.

Cllr Illingworth asked for confirmation of where the application boundary extends to.

The Principle Planning Officer stated that the ownership of land is not a planning issue.

Cllr Illingworth suggested that the 8 stables could be conditioned to restrict use to stabling horses only.

The Applications and Advice Manager reminded the Councillors that the use is already restricted to stabling horses and that any further change would require planning permission.

Cllr Baguley agreed that commercial use is acceptable but that the kerbstones are the emotive issue however that there are kerbstones in the village currently. Cllr Baguley proposed to permit the application.

Cllr Cumbers seconded the proposal.

The Chair pointed out that there is a current proposal on the table, Cllr Gordon's.

Cllr Simpson indicated that a refusal would give the applicants enough time to resolve the emotive issue of kerbstones.

Cllr Illingworth stated that there may be no other application forthcoming and that the kerbstones are a safety issue.

The Applications and Advice Manager agreed that the Highways Department would consider changes to the access arrangements.

The Head of Regulatory Services reminded the Councillors that the applicant wishes the application to be determined in its current form.

Cllr Illingworth said that it would be worth waiting for an improved application with out the kerbstones and therefore the current application should be refused. This would also give time to the individual parties to come to amicable arrangements.

The Head of Regulatory Services reminded the Councillors that the result of a refusal may be an appeal by the applicant rather than an alternative application.

Cllr Illingworth asked for confirmation regarding the possibility of permitting the application but amending the conditions as proposed by Cllr Simpson. If it could be agreed that it was possible to permit the application to change the use from domestic to commercial but not require the changes to the access then he would second Cllr Simpson's proposal.

Cllr Moncrieff pointed out that the Highways saw safety issues in the existing access arrangements, but would be happy to support an amendment.

The Solicitor to the Council advised that there would be legal issues regarding the proposal of lifting some, but not all of the recommended conditions, insofar as it would amount to rejecting the advice of the Highway Authority.

Cllr Simpson formally proposed to permit with the amendment to remove condition 10 only.

Cllr Illingworth seconded this proposal.

The Head of Regulatory Services clarified that condition 10 would allow commercial use but would not permit the changes to the access.

A vote was held: 4 in favour, 4 against and 1 abstention. The Chair's casting vote was against the motion and therefore it was not carried.

Cllr Baguley proposed to permit the application as per the officers recommendation. Cllr Cumbers seconded this motion.

A vote was held: 5 in favour to permit, 3 against and 1 abstention.

The motion to permit was carried.

DETERMINATION : Permit for the following reason(s) subject to the conditions as set out in the Committee report, with the exception of condition no. 10 which was amended as follows:

10. Before the stables are first bought into use details for the storage and disposal of manure and waste arising from the stables shall be submitted to and approved in writing by the Local Planning Authority. The stables shall subsequently be operated in accordance with such details as are approved.

Reasons: The site is currently a commercial stables (on a larger scale) and it is considered that the proposal would not have a detrimental impact on residential amenity, the revisions to the access road will ensure that the traffic can be accommodated without harming highway safety, and the change to the visual amenity of the street scene arising from the access road amendments will be minimal.

(2) Application : 11/00215/EXT

Applicant : Mr M. Robson

Location : Land Off, Jubilee Street, Melton Mowbray

Proposal : Renewal of planning app re 08/00240/FUL for the proposed retail development including car park and associated works

The Chairman stated that standing orders would have to be suspended to allow Mr Mitchell to speak, as he had not registered in time. On being put to the vote, the motion to suspend standing orders was carried unanimously.

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

Members will recall this application was deferred on 25th May in order to consider late information submitted shortly before the meeting.

The information comprised the 'sequential test' that the report formerly highlighted and being absent and contrary to PPS4. The detail of this document and our assessment of it occupy pages 5 -8 of the report and you will note that the result of this exercise is to accept – based on the report and knowledge we have in house – that no other suitable sites are available for the development (Pg 9). We have some reservations about the content of the report but are able to reach this conclusion because of the depth of understanding we have at present). The effect of this is to remove the concerns we previously had regarding PPS4, and this is reflected in the recommendation.

Accordingly, we consider there is only one remaining issue – the use of allocated employment land for retail. In 2008, officers recommended refusal based on this ground and we are not aware of any circumstances that have changed. However, the Committee considered that the combination of the value of developing the site together with the absence of alternative sites were sufficient to depart from that policy and, similarly, no circumstances appear to have changed. Accordingly, Members are advised that whilst the recommendation is for refusal as it was in 2008, we have a responsibility to make decisions consistently and careful consideration should be given as to whether it is reasonable to reach a different conclusion to that the Committee did in 2008 given the absence of any changes in circumstances.

The Chair asked for a report from the Principal Planning Policy Officer.

The Principal Planning Policy Officer stated that the land was previously allocated as employment land but recognised that retail use generates some employment. The allocation as employment land has been in place for some time however there has been no applications come forward to use it. Although the use of the land as retail is against previous planning policy, which held it for employment use, the position of the site close to the town centre does make the site capable of retail use.

(b) Mr Mitchell was invited to speak on the application and stated that :-

- the speaker reminded the Committee that a previous application for retail use was approved in 2008
- the land has been vacant for some time
- using the land for retail will enhance the area
- recent sequential assessment reports strengthen the argument for the reuse to be retail as there are few town centre opportunities

Cllr Moncrieff moved to approve the application.

Cllr Cumbers states that she previously proposed refusal as she believes that the town centre should have mixed use and the site would therefore be more valuable as employment land. She went on to say that the Council should be looking to promote balance in the town and that employment opportunities should be encouraged. Whilst she agreed with the usefulness of shops, she felt that the town needed a mixture.

Cllr Douglas seconded Cllr Moncrieff's proposal.

The Head of Regulatory Services noted that previous conditions were applicable to the previous approval and suggested that the Members consider them in this application.

Cllr Moncrieff moved to approve the application with the inclusion of the conditions suggested. Cllr Douglas seconded the proposal with the conditions.

Cllr Botterill noted that there are plenty of shops already around and that he believes there should be employment land available.

Cllr Illingworth observed that no applications had been received for employment on this site and that retail is also an employment opportunity too.

A vote was held: 7 in favour to permit, 2 against and 1 abstention.

The motion to permit was carried.

Cllr Cumbers and Botterill would like their votes against the proposal to be noted, Cllr Baguley abstained.

DETERMINATION : Permit for the following reason(s) subject to conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. 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.
3. The proposed development shall not be brought into use until such time as the existing waiting restrictions on Jubilee Street and Charlotte Street have been amended following alterations to the existing Traffic Regulation Orders in accordance with details that shall first have been submitted to and approved by the Local Planning Authority before development commences.
4. The proposed access to the site off Norman Way shall be designed such that it only allows vehicles to turn left into the site, details of which shall be submitted to

and approved by the Local Planning Authority before development commences. Such details shall include surfacing, gradient, drainage, road markings and also include measures and signage required to prevent vehicles exiting the site directly on to Norman Way.

5. The proposed parking and turning facilities shown on the submitted plans shall be provided, hard surfaced, marked out and made available for use before the development is brought into use and shall thereafter be permanently so maintained.

6. The proposed access serving the site from Jubilee Street shall be provided, hard surfaced in tarmacadam, concrete or other similar hard bound material for a minimum distance of 15 metres behind the highway boundary and made available for use before the development is brought into use and shall thereafter be permanently so maintained.

7. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.

8. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 45 metres shall be provided at the junction of the access with Jubilee Street. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

9. For the period of the construction of the development within the site, vehicle wheel cleansing facilities and parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

10. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended), the unit hereby approved shall not be used for the sale of food.

The site lies in an edge of town centre location with a range of retail uses in close proximity. Its use for retail purposes would broaden the retail choice available within the town centre and no other sites considered preferable in terms of PPS 6 are considered to be available. The development would make use of a site which has stood vacant for an extensive period and is making no contribution to the economic development of the town. Access, design and amenity considerations are considered to be met by the design and layout of the proposal. It is considered that the above are sufficient grounds to permit a departure from the Development Plan.

(3) Application : 11/00302/FUL

Applicant : Mr Glen Arnold

Location : Culfers Hey, 2 Melton Road, Long Clawson, LE14 4NR,

Proposal : Erection of 1 two bed cottage and 1 three bed timber frame home with associated garage.

The Chairman stated that standing orders would have to be suspended to allow everyone to speak. Cllr Moncrieff moved to suspend standing orders. Cllr Botterill seconded this proposal.

On being put to the vote, the motion to suspend standing orders was carried unanimously.

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

Application for erection of 2 new dwellings, 1 facing Melton Rd next to a modern style house 'Culfers Hey' and another to the rear of the frontage House, Headlands Farm

The site had been visited today by the Committee

The application raises a series of issues which are rehearsed by the report but to recap:

- Backland arrangements and design issues: consider the area varied and unstructured and therefore these aspects would not be harmful in terms of the established pattern of the area
- 'Garden Grabbing' – see commentary on page 4 of the report – though not the priority, development on Greenfield lane is a necessity in Melton and as such do not consider it can be ruled out for this reason (and as seen with many other developments)
- Residential amenity- concerns regarding the impact on no1 Hickling Lane, which was included in the site inspection this afternoon.

The site inspection was valuable in this case to allow Members to understand the points made in the report and from the applicant. These points are not defined by policy (although the issues are framed within OS1 and BE1) and require Member's judgement as to acceptability, taking into account the circumstances you saw on site earlier.

(b) Mr Gladstone was invited to speak on the application and stated that :-

- the development encroaches on their house
- their outlook will be completely enclosed and new development will be too near on two sides
- this situation has been very stressful
- the new dwelling will be higher than theirs
- the removal of trees will impact on them greatly
- the junction is already poor and this proposal may make it worse
- the Design and Access Statement supplied by the applicant is misleading, the densities of housing in the area are not as stated

(c) Mr Machin was invited to speak on behalf of the Parish Council stated that :-

- the Parish Council have consistently objected to 'backland' development
- the development does not comply with planning policy (ie BE1)
- he believed that the proposal will add to localised flooding

(d) Mr Cooper was invited to speak on the application on behalf of the applicant and stated that :-

- he disagrees with the officers report
- that the village is classified as sustainable (Category 1) and this type of development is in keeping with the policies for this category.
- he believes that the dwelling is appropriate in scale and distance to neighbouring buildings. He states that the neighbours garage, fencing and trees limit the impact of the proposal.
- the new dwelling has been orientated to minimise impact on this dwelling: 11/2 story scale and set lower and exceeds normal separation distances.
- the boundary is already formed by a 'solid' 1.8 m fence
- the house would only be 1m higher to eaves than the fence
- there is no detrimental impact on the character of the area
- the resulting development will not be overly dense
- the proposal follows the requirements for small development

(e) Cllr Rhodes, as Ward Councillor, was invited to speak on the application and stated that :-

- agrees with the refusal
- disagrees with 'backland' and infill development
- believes that the neighbours will be overlooked on two sides and that will be detrimental to their amenity

The Head of Regulatory Services referred to the officer's report, especially the comments from Highways and points regarding flooding stating that these would not be reasons for refusal.

Cllr Botterill proposed that the application be refused.

Cllr Baguley believes that the new dwelling would have a negative impact and seconded the motion to refuse.

The Chair noted that whilst there is a desperate need for smaller houses in the rural areas they should not be "shoe horned in" resulting in the loss of open space..

A vote was taken: 9 in favour of refusal, 1 against.

Motion to refuse was carried.

DETERMINATION : Refuse for the following reason:

In the opinion of the Local Planning Authority the proposal would, if approved, result in a development which would unacceptably affect the residential amenities of the adjacent property, no.1 Hickling Lane, by virtue of the introduction of an overbearing structure and resultant loss of outlook. Accordingly, the development is contrary to Policy OS1 of the Adopted Melton Local Plan.

(4) Application : 11/00325/FUL

Applicant : Mr R Cramphorn

Location : Marylands Farm, Stygate Lane, Pickwell

Proposal : Two storey side extension and double garage.

(a) The Principal Planning Officer stated that :-

This application seeks planning permission for the erection of a two storey extension to provide additional bedrooms and ground floor office, meeting room and utility accommodation to support the economic activities on site and a separate domestic garage. The site lies in the open countryside. Members may recall that a similar scheme was refused at committee in April.

There are no updates to report on the application.

The main issues with regards to this application are the impact on the open countryside, design of the proposal and compliance with Policy. The proposal is to provide meeting rooms, utility and shower to support the existing poultry farm and would lead to the removal of a mobile unit which is supported by policy and can be seen as a benefit. The proposed extension has been redesigned and is now considered to be more in keeping with the host property, and the design, mass and scale is considered acceptable.

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

(b) Cllr Barnes was invited to speak on the application and stated that :-

- support this application and notes that this is a much improved design
- rural economy is vital and supports use of land for employment

Cllr Botterill states that this application is a great improvement on the previous application and proposed to permit.

Principal Planning Officer pointed out that there was a condition to approve the materials prior to work starting on site. The preferred materials to be used will stone.

Cllr Illingworth seconded the proposal.

Cllr Cumbers stated that she was happy with the design however felt that there looked like lots of doors in the elevation and asked if development rights would be restricted on this property.

The Applications and Advice Manager pointed out that the design was a significant improvement and that there were no more permitted development rights available on the property now.

A vote was taken: 10 in favour to permit.

The motion to permit was carried.

DETERMINATION : Permit for the following reason subject to the conditions as set out in the Committee report.

It is considered that the proposal is now compliant with development plan policies due to the reduction in scale and massing it is now in keeping with the existing dwelling. The proposal if approved would not have a negative impact upon the open countryside designation and it is considered acceptable.

D12. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.00 p.m. closed at 7. 50 p.m.

Chairman