



MEETING OF THE
DEVELOPMENT COMMITTEE

BOARDROOM, MELTON MOWBRAY

25 MAY 2011

PRESENT:

P.M. Chandler (Chairman)
P. Baguley, G.E. Botterill, J. Douglas
M. Gordon, J. Illingworth
T. Moncrieff, J. Simpson, J. Wyatt

Observer

J.T. Orson, M. O'Callaghan

Head of Regulatory Services
Principal Planning Policy Officer, Planning Policy Officer (PG)
Democracy Officer (DB)

D1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cumbers and Moulding.

D2. MINUTES

(a) D81 : Outcome of referral to Secretary of State and proposed Opening Hours – Sainsburys (Page 165)

The sentence *'Mr Nicholson was invited to speak on the application and stated that'* be amended to *'Mr Nicholson (on behalf of Sainsburys) was invited to speak on the application and stated that'*.

Councillor Baguley requested that her vote against (in connection to the application above) be recorded.

(b) subject to (a) above the Minutes of the Meeting held on 21 April were approved and authorised to be signed by the Chairman.

D3. DECLARATIONS OF INTEREST

There were no declarations of interest.

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 Schedule of Applications and in the case of refusals for the reasons stated in the schedule.

D4. SCHEDULE OF APPLICATIONS

(2) 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 :-

(i) this application sought 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;

(ii) the application proposed 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.

(iii) since publication of report a further letter of objection had been submitted stating that the existing roadway was wide enough for large vehicles to pass and widening would increase the speed of traffic in the village. The additional of kerbstones would impact on the village street scene creating an urban feel to an otherwise rural setting and the use of the kerbstones would give the impression of a wider road resulting in the increase in traffic speed;

(iv) correspondence had also been received questioning Condition 1 and allowing the developers 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.

(v) the main issues with regard to this application was the impact of commercial stables, additional traffic and the visual changes to the highway;

(vi) the condition restricting the commercial use of the stables was imposed for highway safety reasons. The application was 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 and 6 were proposed to reflect the alterations required to the access. Concern has been expressed with regard 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 was satisfied with regard to highway safety and a judgment was required with regard to the visual impact of the highway alterations. The proposal involved the use of kerbstones which were not considered to be detrimental to the appearance of the village and the 'widening' was opposite the access point, however, the street was to be narrowed next to the access and as a net result the main street was no wider than it was at present. The stud was previously a commercial stud and the change was not considered to impact on the village. The changes to the visual appearance of the highway was considered to be minimal and would not adversely impact on the streetscene.

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

- his aim was to substantiate the objections on planning grounds
- they had concern about the term 'unconstrained use' which was used in the planning consultants letter
- any commercial use really concerned the local residents
- he asked the Committee to reject the unconstrained use
- commercial use needed to be restricted to equestrian use only
- it was a very narrow road
- there was a major concern about unconstrained use and how this could attract more heavy goods vehicles coming through the village
- curbstones should not be imposed in the village

(c) Mrs L. Smith was invited to speak on the application and stated that :-

- the Parish Council had submitted observations
- since the observations they had been made aware of the concerns from residents
- there were strongly voiced objections
- a key concern was the issue of curbstones opposite the junction
- the highway assessment did not make it clear if curbstones were a highway requirement
- the curbstones would create a significant detrimental impact
- there were no objections with the original application
- the Parish Council appreciated that the stables were useful outside storage

(d) Mr M. Emery was invited to speak on the application and stated that :-

- it would be a more attractive development
- they had the full support of the Planning Authority
- the owner wished to retain general use of the 8 stables rather than limited personal use
- the restriction of condition 10 was for highway reasons
- to ensure a full and proper use, the applicant had employed a consultant to see how the access junction could be improved
- the improved access had been agreed with the Leicestershire County Council Highways Authority
- the improved access offered improved visibility and turning radii
- the improvement scheme offered improved pedestrian safety
- there would be no widening of the road
- the verges and curbs would be properly reinstated when the work was completed

Councillor Chandler noted that Councillor Angrave could not be at the meeting but had expressed that he was concerned about urbanisation of the street scene and would like to see the granite curbing and restrictions placed for equine use and nothing further.

The Principal Planning Officer (JW) stated that the stables could not be used for any other use without planning permission being applied for. The Principal Planning Officer (JW) further stated that it was not clear if the curbstones were necessary and clarification on this could be sought from the Highway Authority.

Councillor Chandler moved to defer the application due to not having a site visit. Councillor Wyatt was a seconder for this proposal.

On being put to the vote, the motion to defer was carried unanimously.

DETERMINATION : Deferred to allow for a site inspection and clarification from the Highway Authority regarding the need for kerbing.

(1) 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 Head of Regulatory Services stated that there had been a detailed document submitted which sought to provide the necessary level of information that the Council had required and therefore a deferral of the application was suggested in order for it to be considered.

Councillor Wyatt moved to defer the application. Councillor Botterill was a seconder for this proposal.

On being put to the vote, the motion to defer was carried unanimously.

DETERMINATION : Deferred.

(3) Application : 11/00178/OUT

Applicant : Mrs M. Bailey

Location : 7 Norfolk Drive Melton Mowbray

**Proposal : Outline permission for 1 one bedroom bungalow
(in the grounds of 7 Norfolk Drive)**

(a) The Principal Planning Officer stated that :-

(i) this application sought outline planning permission for the erection of a one bedroom bungalow in the grounds to No. 7 Norfolk Drive;

(ii) there were no updates to report on the application. The main issue with regard to this application was the impact upon the character of the area and residential amenity. The proposal was in the town envelope and benefits from a presumption in favour of development. The application was in outline with all matters reserved for further consideration. The proposal was considered to be acceptable and would not unduly impact on the character of the area, subject to suitable design. Being single storey the proposal was not considered to impact unduly on the streetscene. The proposal can be designed so as not to impact on the adjoining properties.

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

- he had moved into the area in November after leaving the forces
- he strongly objected to the application
- it was an example of garden grabbing
- it was an open area with large plots of land
- the proposals could change the form of the road
- the proposed development would be dwarfed by surrounding properties
- Melton Borough Council had stated that loss of gardens caused by infilling can change neighbourhoods

The Principal Planning Officer (JW) stated that policies OS1 and BE1 were applicable, and as the application was within the town centre there was a policy presumption in favour of development.

Councillor Baguley moved to permit the application. Councillor Moncrieff stated that he had empathy with the objector, but that in this instance the bungalow did not appear to have a detrimental impact on the view of the street scene. Councillor Moncrieff seconded the motion to permit.

Councillor Simpson stated that it was overdevelopment and moved to refuse the application. Councillor Moncrieff noted that he would like to see conditions to come back to Members. The Principal Planning Officer (JW) stated that this would need to be noted as an officer instruction to bring back to Members.

The Head of Regulatory Services clarified that the removal of permitted development rights had not been included in the motion. Councillor Baguley and Moncrieff agreed to include the removal of permitted development rights in their motion.

On being put to the vote, the motion to permit was carried with 7 in favour and 2 against.

(Councillors Simpson and Illingworth requested that their votes against be recorded.)

DETERMINATION : Permit for the following reason(s) subject to the condition(s) listed in the Committee report and an additional condition removing permitted development rights :-

1. The application site lay within the town envelope and thus benefited from a presumption in favour of development under policies OS1 and BE1. The proposal was for the subdivision of a large plot to allow the construction of a single storey dwelling to allow the applicant to downsize from the large dwelling, which would later become available on the open market. The application was in outline form with all matters reserved for further consideration to assess if development would be received favourable in this location. It was considered that subject to the design and impact upon the neighbours a single storey dwelling was considered acceptable without unduly impacting upon the character of the area. Development of the site would remove the older outbuildings and the close boarding fencing giving an opportunity to provide an active frontage with landscaping which in turn could enhance the area.

(4) Application : 11/00218/FUL

**Applicant : Mr and Mrs D. Entwistle
Location : Pinetree House 8 Sycamore Lane Wymondham
Proposal : One and half storey side extension, conversion of outbuilding with a link building plus a timber car port to the front of the property.**

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

(i) this application sought planning permission for a one and half storey side extension, conversion of an outbuilding with a link building and a timber car port to the front of the property. The site lay within the village envelope and conservation area for Wymondham;

(ii) the main issue with regard to this application was the impact upon the conservation area, impact on residential amenity and loss of a tree covered by a protection order. The site was considered to be in prominent location and had a designated protected open area to the frontage and a tree Protection Ordered tree. The proposed design of the extension was considered acceptable and reuses an existing barn in the conservation area securing 111 its long term future. The proposal was considered to preserve the character of the Conservation Area. The carport was not considered to adversely impact on the protected open area and the loss of the tree had been assessed to be acceptable. The proposal had been assessed and it was not considered that the proposal would have a detrimental impact on the adjoining properties.

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

- the house was small and the outbuilding was only part converted
- they had reduced the proposals down from 2 storeys to 1.5 storeys
- the repair and utilisation of outbuildings would help the area in the long term
- the proposed extension would not affect light
- the proposal would not be oppressive, dominant or overbearing
- there were no reasons to refuse
- the other neighbours were supportive
- linking the outbuilding would optimise the whole property

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

- he was representing Mr and Mrs Exton who were objecting to the application
- he wished to thank Members for visiting the site
- his clients property was a traditional cottage – the main east facing elevation was built close to the highway
- the windows were small and fronted directly onto Sycamore Lane
- there was minimal light and the extension was not respectful to the outlook of these windows
- the proposals were oppressive, dominant and would have an overbearing effect
- the proposal was contrary to OS1 and BE1 of the local plan
- he was concerned that the application was contrary to BE12, due to it infringing on a protected open area
- the application would result in the loss of a protected tree
- there would be an adverse impact on the living conditions of his clients

Councillor Gordon stated that she would be concerned that the brick wall was close and would be overbearing and would cause a loss of light.

Councillor Simpson did not consider that the application to make much difference to the loss of light. Councillor Botterill moved to permit the application. Councillor Gordon moved to refuse the application due to the impact of the wall being too close and the overbearing impact of the application.

Councillor Simpson seconded the motion to permit. Councillor Wyatt stated that he would be happier if the application was for a single storey extension.

Councillor Chandler stated that she would like to see the tree retained. The Principal Planning Officer (JW) stated that if the proposals were approved then this would result in the loss of a tree.

On being put to the vote, the motion to permit was defeated with 3 in favour and 5 against.

Councillor Wyatt seconded the motion to refuse. On being put to the vote, the motion to refuse was carried with 5 in favour and 3 against.

DETERMINATION : Refuse for the following reason(s) :-

- 1. In the opinion of the Local Planning Authority the proposed development would, by virtue of its scale and position, result in an adverse impact on the residential amenity of adjacent properties, namely no. 37 Sycamore Lane by virtue of feature closer to the boundary which would seriously overbear upon and reduce visual outlook from the sitting room window of this property. The proposal was therefore considered to be contrary to policies OS1 and BE1 of the adopted Melton Local Plan which seeks to ensure development was not detrimental to the residential amenity of existing properties.**

(5) Application : 11/00111/COU

Applicant : Mr R. Engelgardt

Location : Flying Childers Stud, 65 Main Road, Kirby Bellars, LE14 2DU

Proposal : Retrospective application for the change of use of land for parking of vehicles.

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

(i) this application sought retrospective planning permission for the change of use of land for the parking of vehicles. The site lay within the designated open countryside;

(ii) the main issue with regard to this application was the impact upon the open countryside and highway safety. The site lay in the open countryside and as such the proposal represents a departure from the development plan and therefore an exception would need to be justified to outweigh the development plan. The parking of the vehicles had been assessed so as not to have a detrimental impact on the open countryside and it was considered that the benefit of the retention of a small economic development creating employment was sufficient grounds to depart from the development plan. The application had been assessed in terms of highway safety and was considered acceptable.

Councillor Botterill moved to delegate to permit the application. Councillor Moncrieff was a seconder for this proposal.

On being put to the vote the motion to delegate to permit was carried unanimously.

DETERMINATION : Delegate to Permit for the following reason(s) subject to the condition(s) listed in the Committee report :-

- 1. The retention of the parking area for commercial vehicles on land which was previously open countryside does not comply with policy OS2 of the Adopted Melton Local Plan. Although the proposal represents a departure from Local Plan it was considered that the continued use as a parking area for commercial vehicles would not have a detrimental impact on the character and appearance of the open countryside and would not have any significant impact upon highway safety, so long as the appropriate works to the access are conditioned. The proposal contributes economically to the area and represents farm diversification and economic development as supported in PPS4, being consistent with its scale and environmental impact in the rural location. The proposal had little harm on the area due to its location, the topography of the site and the screening available, meeting the objectives of PPS4.**
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(6) Application : 10/00668/FUL

Applicant : Mr D. Vinden

Location : Rose Caravan, 2 Park Avenue, Melton Mowbray, LE13 0JB

Proposal : Application for a pair of semi detached houses.

(7) Application : 11/00113/FUL

Applicant : Mr D. Vinden

Location : Land Adjacent to 2 Park Avenue, Melton Mowbray, LE13 0JB

Proposal : Erection of 2 No, two bedroomed flats

The Head of Regulatory Services stated that the applications were subject to fine detail within the national policy on flooding in PPS25.

(a) Mr N. Marshall was invited to speak on the application and stated that :-

- he was acting on behalf of Mr Orridge
 - planning permission was granted 6 years ago - but the permission had lapsed
 - the site was situated in the most suitable site in the Borough
 - planning permission had been granted for a 3 bedroom house which would form part of the development
-

- it had been proved in the flood risk assessment that there would be no risk
- the Environment Agency were satisfied that the application was safe
- the sequential test document was commensurate with the size of the application proposed
- it was unfair to ask a development of this size to look at larger consultations

The Head of Regulatory Services stated that policy PPS25 clearly stated that the benefits of the development could only be balanced once the sequential test had been passed. The Head of Regulatory Services further stated that the degree of discretion within policy PPS25 had been investigated, but it was clear that there could be no discretion within the policy.

The Head of Regulatory Services noted that as such, the Council was bound by its terms and until the sequential test had been passed the applications should be refused.

Councillor Baguley moved to refuse the applications. Councillor Douglas was a seconder for this proposal.

On being put to the vote, the motion to refuse was carried with 6 in favour.

DETERMINATION : Refuse both applications for the following reasons :-

- 1. The application site lay within Flood Zone 3a defined by Planning Policy Statement 25 as having a high probability of flooding. Paragraph D5 of PPS25 required decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. The Local Planning Authority were not satisfied from the information provided, that other sites at a lower flood-risk were unavailable, and as a result, the proposal did not pass the sequential test, as a result, it was inappropriate to release the site for housing development at this time as the development would be subjected to an un-necessary level of flood-risk, contrary to the advice contained within PPS 25; Development and Flood-risk.**

D5. COMMITTEE UPDATE: 08/00326/FUL – CONVERSION OF EXISTING BUILDINGS TO FORM 7 ONE AND TWO BED TERRACED HOUSES AND ERECTION 4 TWO BEDROOM TERRACED DWELLINGS AT BEEBYS YARD, BURTON STREET, MELTON MOWBRAY, LE13 1FD

The Head of Regulatory Services submitted a report (copies of which had previously been circulated to Members) seeking approval to delegate to permit the application following the signing of the Section 106 as originally resolved and drafted.

The Head of Regulatory Services stated that a deferral was needed due to an error by the Environment Agency. Councillor Wyatt moved to defer the report. Councillor Botterill was a seconder for this proposal.

On being put to the vote, the motion to defer was carried unanimously.

DETERMINATION : Deferred.

D6. PROPOSED SUB DIVISION OF AGRICULTURAL LAND OFF WELBY LANE, AB KETTLEBY

The Head of Regulatory Services submitted a report (copies of which had previously been circulated to Members) to seek the approval of the Committee to confirm a direction made under the provisions of Article 4 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, to remove rights to carry out certain 'permitted developments' on the above land.

Councillor Chandler moved to permit the recommendation within the report. Councillor Wyatt was a seconder for this proposal. The Principal Solicitor confirmed that the article for direction was remade on 5 April 2011

On being put to the vote, the motion to permit the recommendation within the Committee report was carried unanimously.

RESOLVED that the Article 4 Direction as made on 5 April 2011 be confirmed.

D7. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.00 p.m. closed at 7. 30 p.m.

Chairman